Falklands Wars

Timeline History of the Falkland Islands

Vol.2
1816 to 1899

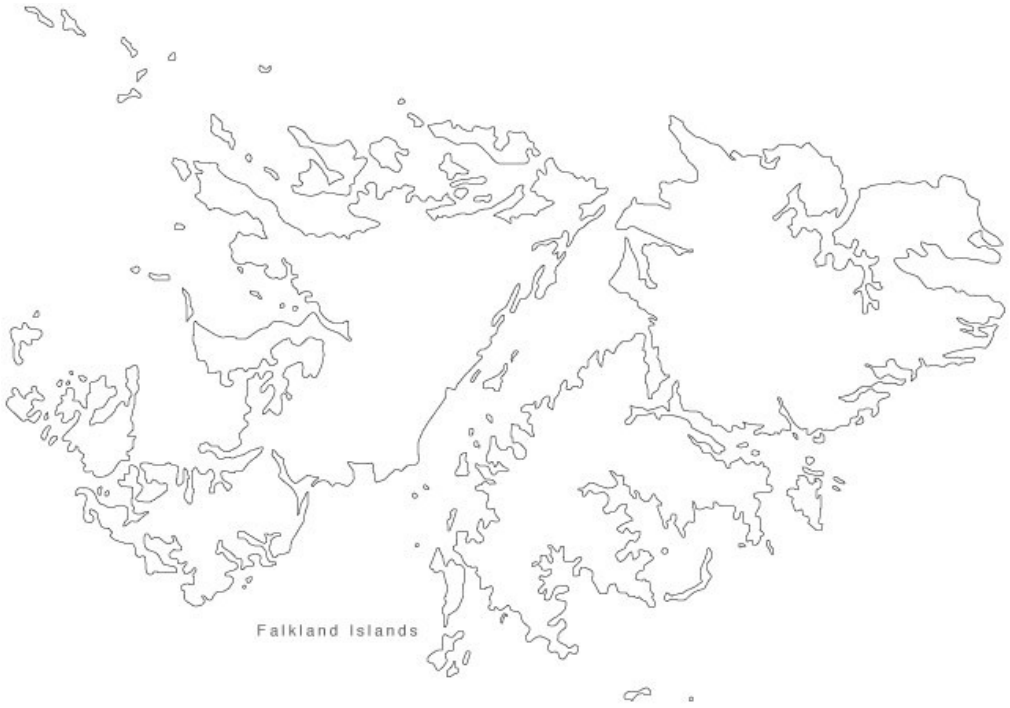
Britain

v.

Buenos Aires

Roger Lorton

"Not so much a timeline as a blow-by-blow account"



Falklands Wars - Timeline History of the Falkland Islands: Vol.2 1816 to 1899

Roger Lorton 2025

Long-time Falklands activist and researcher, Peter Pepper, once described this work as a “Research Resource”, and so it is. Please feel free to dip in and use whatever you please. If appropriate, a reference or citation would be most appreciated, but my purpose is to inform rather than pander to my ego. If anything here leads to new information, sources or discoveries, it would be good to hear of them. Messages can be left at https://falklandstimeline.wordpress.com/

1816 – January 16th, from Buenos Aires, José Ignacio Álvarez Thomas writes to the President of the United States of America to say that by the time his letter reached Washington DC, the territory of the Viceroyalty of the Rio de la Plata would have declared its independence from Spain as the - United Provinces of the Rio de la Plata.[1]

March 24th, in Tucumán, a Congress meets to consider the future of the Rio de la Plata provinces as an independent nation; and to sanction a constitution.

"All provinces were invited, but only two-thirds were represented. Of Artigas' group only Cordoba sent a delegate, and Paraguay stayed away." [2]

"The Congress of Tucumán, on whose side Belgrano was to place himself, was at the time..., the last hope of the revolution: the only power invested with some moral authority, which represented national unity to a certain extent; since (...) a part of the provinces had withdrawn from the obedience of the central government, and the latter, besieged by the agitations of the capital, and by the attentions of the civil war, barely dominated in Buenos Aires. In such a state of things, the meeting of a Congress was the last anchor cast in the middle of the storm." [3]

"The history of the Government of Buenos Aires between the years 1810 and 1833 is a confused one. The revolution against the mother-country, Spain, broke out in the Viceroyalty of La Plata in 1810; it was completed in 1816, but not until 1853 did the Argentine nation begin to inaugurate constitutional Presidents. The revolutionary junta set up in May 1810 was followed soon by the "Great Junta", which in turn, in April 1811, suffered a purge, was soon dissolved, and gave place to the first Triumvirate. A second triumvirate was attempted in 1812, this being replaced in 1814 by a Directorate. The revolution of 1815 put an end to this..." [4]

"Paraguay was, along with Bolivia, the most populated and developed region of the Viceroyalty. It was largely autonomous from Buenos Aires, so it was highly unlikely that Asunción would accept Buenos Aires authority after the insurrection." [5]

"Various forms of central government had been tried, but they were never consolidated because of the hegemonic pretensions of Buenos Aires and the federalist demands of the interior. The ties with Spain had not yet been definitively broken (political independence), nor had a constitution been approved

1 *The United States and the Independence of Buenos Aires* Eugene R. Craine 1961 p.86 citing *Alvarez to the President January 16, 1816* in *AGN S1-A2-A4 No.9*. Thomas had been elected Supreme Director by the *Cabildo* (Council) of Buenos Aires in April, 1815.

2 *José Artigas* Bernard F. Bobb 1947. Artigas was the power in the Banda Oriental (Eastern Bank, now known as Uruguay) and head of the League of the Free Peoples. Paraguay stood apart, although representatives from Upper Peru (Bolivia) did attend. See 1825

3 Bartolomé Mitre quoted in *El Congreso de la Independencia (1816). Memoria de hechos y personas* Juan Guillermo Durán 2016 in *Revista Teología* Agosto 2016: Tomo LIII no.120 pp.27-56

4 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

that would make the legal organization of the country possible. ... Added to this was, on the one hand, Paraguay's resistance to maintaining integration ties with the capital of the extinct viceroyalty, preferring to consolidate the emancipation of the Metropolis by becoming an independent country. And, on the other, the political approach of José Gervasio Artigas, representative of a federalism that, although it did not advocate the rupture of the Río de la Plata, dragged the Eastern Bank, Entre Ríos, Corrientes and perhaps Santa Fe, into segregation,..." [6]

April 16th, in Buenos Aires, José Ignacio Álvarez Thomas is replaced by Antonio González de Balcarce; appointed Supreme Director *ad interim*.

June 1st, in Madrid, the Council of State meets; *"The Minister of State reported on talks which had recently been held in Madrid with the Buenos Aires representative, Bernardo Rivadavia. Secret discussions had been in progress for some time ... Nothing was achieved and the talks ended with mutual hostility and recrimination."*[7]

From Britain, sealers *Indispensible* and *Norfolk* sail for the Island of South Georgia. [8]

July 9th, from the Congress of Tucumán comes a declaration of independence; arguing that the Viceroyalty's union with Spain had been broken on Ferdinand's 1808 forced abdication. [9]

> *"We, the Representatives of the United Provinces of South America in General Congress assembled, invoking that Supreme Being, who presides over the universe, and in the name of and by the authority of the people we represent, asserting before heaven and all the nations of the earth the justice of our resolution, do hereby solemnly declare it to be the unanimous and indisputable determination of the people of these Provinces to break the bonds which have hitherto bound them to the Kings of Spain – to recover those natural rights of which they have been deprived, and to take upon themselves the character of Free Nation, independent of King Ferdinand the Seventh, of his successors, and of Spain,.."* [10]
>
> *"In consequence whereof, and impelled both by the conduct of Spaniards and their King, we have constituted ourselves independent, and prepared for our own natural defence and against the ravages of tyranny..."* [11]

"The United Provinces, consequently ***succeeded Spain in the rights which that nation, from whom they separated, had possessed in that jurisdiction****. The Malvinas had always been a part of that*

5 *Apuntes Sobre Los Orígenes Del Nacionalismo Territorial Argentino* Carlos Escudé 2008

6 Durán 2016

7 *Response to Revolution: Imperial Spain and the Spanish American Revolutions, 1810-1840* Costeloe 1986 p.67

8 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.

9 In March, 1808, Spain's King Carlos IV had been forced to abdicate in favour of his son, Ferdinand by the French Government. Two months later, Ferdinand was forced to renounce his claim in favour of Napoleon Boneparte's brother. Was 1816 the foundation date of the Argentine nation? Declaring is not the same as attaining. It would be 1822 before it could be said that Spain accepted that it could not regain the territory and 1823 before the first recognition by an established foreign State. 1825 before the first commercial treaty was signed, and 1860 before the internal battles ceased. Some argue that it would be 1880 before the Argentina known today finally achieved Statehood.

10 *Declaration of the Independence of the United Provinces of South America* quoted in *Constitution of the United Provinces of South America, Framed, Sanctioned, and Ordered to be Published by the Sovereign and Constituent Congress on the 22 April 1819...* 1819. The representatives from Santa Fe, Entre Rios, Corrientes, Misiones and the Banda Oriental, declined to sign the declaration.

11 *Manifesto directed to all nations of the Earth, by the General Constituent Congress of the United Provinces of South America, respecting the treatment and cruelties they have experienced from the Spaniards, and which have given rise to the Declaration of their Independence, Buenos Ayres, October 25, 1816*

country, or of that district, and, as such, they formed part of the dominion, or public property, of the new state ..." [12]

"There is a stage in such (revolutionary) contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as a matter of fact, so as to leave the chance of the opposite party to recover their dominion utterly desperate. ... I am satisfied that the cause of the South Americans is just. But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty." [13]

"The declaration by Congress of that independence which they had for many years previously maintained in fact, was a measure of the highest importance, and has been productive of a unanimity and a decision before unknown. This summit of their wishes was only to be reached by slow and gradual progress." [14]

"The people of each of the revolted Districts of the Spanish American Provinces established their own Independence and their own Right of self-government within the Territory which they had occupied, but nothing more. If these revolted Provinces had imagined that they acquired by their Revolt all the rights of Spain, besides determining among each other in what manner those Rights were to be apportioned among them, they must also by necessity have considered themselves bound by the obligations of Spain. But they neither acknowledged these obligations nor were called upon by other States to adopt them." [15]

"... the Argentine Government acquired and resumed itself all the rights that in its territory had (been exercised by) Spanish power. Without dominion over the territory that served as a base, the independence of the new republic would have had no meaning. The Falkland Islands, which due to its geographical area had been part of the Viceroyalty of Buenos Aires, could not correspond after the war of independence, but to the new political community that had arisen in the same territory. All civilized peoples recognize that in such a case the force of things constitutes the right. Thus the Islands were under the authority of the Argentine Republic, and all Nations, including Spain, recognized this fact." [16]

"... the effective possession of part of a region, although it may be held to confer a right to the acquisition of the sovereignty of the whole of a region which constitutes a single organic whole, cannot confer a right to the

12 *Memoria and Protest to Viscount Palmerston June 17, 1833* Minister Manuel Moreno. My emphasis. Moot, at best. *cf.* 1713 & 1810. Succession? Inheritance? Uti Possidetis Juris (Iuris) - "*as you possess under law*" - is a theory of international law stating that newly formed sovereign states retain the borders of the preceding area that they came from. When the chaff is cut away, Argentina's sole claim to the Falkland Islands is based upon this theory – despite Argentina being only one of four nations that emerged from the Viceroyalty of the Rio de la Plata. Obviously, very much disputed and debated. As can be seen from the comments. The UK does not recognise the applicability of *uti possidetis juris* in the case of the Falkland Islands, having disputed sovereignty with Spain for most of the fifty years preceeding 1816. Argentina has shown no eagerness to have the applicability of this legal principle considered by a panel of judges, either during a process of arbitration or at the (post 1945) International Court of Justice. The legal question of inheritance, therefore, remains deadlocked.

13 *John Quincy Adams to President Monroe* August 24, 1816

14 *Mr. Rodney to the Secretary of State Nov 5, 1818* in *The Reports on the Present state of the United Provinces of South America* Rodney C. A. & Graham J. 1819. See https://falklandstimeline.files.wordpress.com/2018/01/rodney-report-1819.pdf

15 Quoted in *The Law of State Succession* D. P. O'Connell 1956 p.34 citing the Nicaraguan agent in London's response to a letter from the Foreign Secretary of July 16, 1847.

16 *Títulos de la República Argentina a la Soberanía y Posesión de las Islas Malvinas* I. P. Areco 1885 pp.48-49. In fact the last seat of the Viceroyalty had been at Montevideo (1810 – 1814) whose representative had not agreed to the declaration of independence. If there had been an automatic transfer of rights, Soledad Island (the only island claimed by Spain in 1811) would have transferred to Uruguay. However, no such transfers were recognised in the 19th century. *cf.* Vol.1

acquisition of the whole region which, either owing to its size or to its physical configuration, cannot be deemed to be a single organic whole ..." [17]

"The ancient Viceroyalty of Buenos Aires, dating its movement of emancipation, as also does Chile, from 1810, declared itself independent in 1816, under the name of the United Provinces of the Rio de la Plata; but the territory, to which it in whole or in part laid claim, came sooner or later to form the four independent states of Argentina, Paraguay, Uruguay, and Bolivia. ... When the process of emancipation was complete, not a single boundary line had been actually agreed upon and defined, much less marked. Even where attempts were made to indicate them, the indications were insufficient or defective, owing to the want of precise geographical data. The earlier laws, decrees and orders of the former Spanish government, home and colonial, were for the same reason necessarily insufficient." [18]

"The doctrine that the boundaries of the American republics should ordinarily coincide with the boundaries of the preceding Spanish administrative divisions and sub-divisions was not embodied in any of the early treaties among the new nations, and of course not in any between them and Spain; but rather it came gradually to be accepted as a general guiding principle, in South America known as the doctrine of Uti Possidetis of 1810 and proclaimed in the Congress of Lima in 1848." [19]

"... regarding state succession, the British Government have consistently denied the right whereby the insurgent South American republics accepted among themselves the territorial delimitation of the Spanish Viceroyalties. In the case of both Colombia and Nicaragua, His Majesty's Government recognized the succession of the new republics only in territories which had been effectively occupied." [20]

"Uti possidetis juris was a rough and ready agreement between the new Latin American states to establish their respective territorial limits. As a principle, it could be applied only to a dispute between Latin American nations. ... Whether it is applicable in a dispute with a non-Spanish American nation is open to doubt." [21]

"... the uti possidetis principle,.. is essentially an accord on boundaries between successor states of the same (Spanish) empire, not an assertion of sovereignty against outsiders." [22]

"The doctrine of uti possidetis juris is of questionable applicability as a tenet of contemporary international law. ... uti possidetis juris fails to square properly with the legal establishment of non-Hispanic states in the New World, as well as the more recently evolved principles of decolonization and self-determination. Further, save for Latin American states, succession from original Spanish rights has neither commanded widespread respect nor attracted international acceptance, either in practice or in principle. Hence, ... uti possidetis juris contributes but a modicum, if indeed any, legal support to Argentina's position of valid title over either its South Atlantic or Antarctic claims." [23]

"Exactly when sovereignty is lost and gained during a chaotic revolutionary period is unclear. A revolutionary movement at the outset of its operations might declare itself the legitimate authority over a territory. But any sovereignty it might claim in its own name could not be recognized until it took de facto control ..." [24]

---

17 *Reports of International Arbitral awards: Guiana Boundary case (Brazil, Great Britain)* June 1904 vol.11 pp.11-23
18 *Memorandum on Uti Possidetis* J. B. Moore 1913
19 *Boundaries, Possessions and Conflicts in South America* Gordon Ireland 1938 p.327. Proclaimed; not ratified. *cf.* 1848
20 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490. cf.* 1848
21 *Falklands or Malvinas? The Background to the Dispute* J. Metford 1968
22 *Falkland Title Deeds* Malcolm Deas 1982
23 *Anglo-Argentine Rivalry after the Falklands/Malvinas War: Laws, Geopolitics and the Antarctic Connection* C. Joyner in *Lawyer of the Americas* 1984
24 *The Sovereignty Dispute over the Falkland (Malvinas) Islands* L. S. Gustafson 1988 p.21

"The principle of uti possidetis does not imply that a state created in the wake of a process of decolonization will necessarily acquire the same territorial rights as the previous colonial power, without regard to the geographic territorial unity of the colonial empire, and the occupation of the territory in question by the newly created state... In consequence, it has to be concluded that Argentina did not acquire the Islands in 1816 automatically after independence, without regard to the principle of effective occupation. Spanish territorial rights over the Islands continued." [25]

"(Argentina) argues that it inherited the former Spanish colonial territory in accordance with the uti possidetis doctrine when it became independent, a disputed doctrine in international law." [26]

"... unilateral declaration of independence" (or UDI) is a term commonly used to refer to the unilateral act by which a group declares that it is seceding and forming a new state. ... many attempts at unilateral secession fail, and even those that succeed take time. Thus a declaration of independence is a necessary, but not a sufficient, condition for unilateral secession..." [27]

"Although it is often stated that the uti possidetis principle was proclaimed by the newly independent republics, in fact very few constitutions actually used the expression uti possidetis. Of forty-three constitutions examined from the period 1811 to 1850, only one (Costa Rica) mentioned the uti possidetis principle. ..." [28]

"... in the case of Argentina the perception of territorial losses was aggravated by the unfortunate circumstance that Buenos Aires, the capital of the Argentine State, was formerly the capital of the colonial State of the Viceroyalty of the Río de la Plata. This has led Argentines to argue that their country is or should have been the legitimate heir of the entire Viceroyalty, and that all those territories that were part of the Viceroyalty and are now independent States (Bolivia, Paraguay and Uruguay) should be counted as territorial losses." [29]

In Tucumán, Juan Martín de Pueyrredón y O'Dogan is appointed to lead the Government of the United Provinces.

"At length, in 1816, the Congress of Tucumán assembled and appointed Juan Martin de Pueyrredón "Supreme Dictator (sic)" of the United Provinces of La Plata. For three years Pueyrredón ruled with an iron hand, restraining the outbreak of anarchy..." [30]

"An able statesman from Buenos Aires, Juan Martin de Pueyrred6n, was given power as Supreme Director to govern the country until some form of constitutional government could be devised. At this time there was still much divergence of opinion as to whether a monarchy or a republic would prove more satisfactory. ... Some desired the United Provinces to become a British protectorate, while others wanted to place a descendant of the Incas upon a throne. Finally, it was agreed to discard all these schemes and to establish some form of republican government. This resulted in a bitter struggle between the centralists of Buenos Aires and the federalists of the provinces." [31]

British sealers *Admiral Colpoys* and *Norfolk* hunt at South Georgia. [32]

---

25 *The Territorial Status of the Falkland Islands: Past and Present* Rudolf Dolzer 1993 p.61
26 *Falkland Islands/Malvinas* Michael Waibel 2011 in *Max Planck Encyclopedia of Public International Law* 2011
27 *State Practice and International Law in Relation to Unilateral Secession* James Crawford 1997 in *Self-Determination in International Law, Quebec and Lessons Learned: Legal Opinions Selected & Introduced* 2012
28 *Determining Boundaries in a Conflicted World: The Role of Uti Possidetis* Suzanne Lalonde 2002.
29 Escudé 2008
30 *Memorandum on the Falkland Islands* 1947 in *PRO* (Public Records Office) *LCO 2/490*
31 Craine 1961 p.53
32 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.

July 15th, in Buenos Aires, Englishman Robert Ponsonby Staples I is asked to take on the duties of a British Consul, albeit unofficially. [33]

"At a public meeting on 15 July 1816 the British merchants in Buenos Aires asked him to represent them in an official capacity. In return, they undertook to remunerate him on the basis of the invoice value and tonnage of goods imported in British vessels at Buenos Aires. Although having no official authority to do so, he acted as British consul in Buenos Aires until 1819, when the Foreign Office ordered him to cease doing so." [34]

July 20th, the tri-band designed by Manuel Belgrano in 1810 (right), and first officially raised at Salta in 1812, is adoped as the national flag by the Congress of Tucumán.[35]

In **August**, Portuguese Brazil invades the east bank (Banda Oriental) of the Rio de la Plata. [36]

"... Ferdinand VII had expected King John VI to assist in squelching the disorders. ... The new turn of events in August 1816 dashed all hopes for any Hispanic-Portuguese effort against the insurgents. Consequently, Madrid now had to take into account the attitude of the government at Rio de Janeiro towards any proposed expedition to Buenos Aires. On its position hinged the size of the force projected to achieve the pacification of the Viceroyalty of La Plata ..." [37]

August 14th, a letter is sent to the San Juan Governor, in the name of General José de San Martín.

> *"The government is desirous of ending the misery of those who are held in jails, dungeons or other prisons located in the territory of these provinces, as a result of their reprehensible conduct/excesses and to preserve public peace. With the purpose of rendering them useful to the State under the guidance of expert chiefs that shall draw them away from their misplaced past and turn them into honourable citizens that shall serve the common good, His Excellency has decided that you provide that all the persons of the high class that are imprisoned in the jurisdiction under your command sentenced to the jails of Patagones, Malvinas or other places be sent to this capital city, with copies of their respective sentences and the greatest possible security, also including among them deserters..."* [38]

---

33 Staples had been gazetted as Consul to Buenos Aires by Britain's Prince Regent in 1811, but he had not been recognised by the authorities there who were unable to obtain confirmation from the British government.. *cf.* March, 1811.

34 *Oxford Dictionary of National Biography - Index Number 101098243* 2004-9

35 See 1812 & 1818

36 The United Kingdom of Portugal, Brazil and the Algarves argued that their right to that territory was dictated by the Tordesillas 'line' as agreed between Spain and Portugal in 1494. This ignored the fact that the Tordesillas treaty had been renounced by both Spain and Portugal in 1750. *cf.* 1750 & 1777.

37 *Spain's Reaction to Portugal's Invasion of the Banda Oriental in 1816* Enoch Resnick 1972 in *Revista de Historia de America* No.73/74 (Jan. - Dec. 1972) pp.131-143

38 This instruction is confusing for a number of reasons:- a) San Juan is an inland city, 650 metres above sea level, to the north-west of Buenos Aires and b) the *presidio* at Soledad had been abandoned by the loyalist Spanish garrison in 1811. Carmen de Patagones on the Rio Negro did, however, have a prison to which mainly political prisoners had been sent after 1810. More recently, Argentina's official news agency, *Telam* (April 29, 2017) claimed that the letter had been sent to the Minister of War, Colonel Antonio Beruti, rather than the Governor of San Juan, whilst an internet news site, *Los Andes,* of the same day, quoted the head of Argentina's Malvinas Museum, Frederico Lorenz, suggesting that, while there was no prison facility in the Falklands archipelago in 1816, "*condemned*" people were sent there. There is no evidence to confirm any of this. Indeed Colonel Beruti would appear to have been exiled to Chile after 1811 and was still there, fighting alongside San Martin, in 1817, possibly as his Minister of War. The modern interpretations of this letter also assumes that there was no other location in 1816 called Malvinas, despite the name being exceedingly common today.

"The letter is evidence that while becoming a free nation Argentina was exercising sovereignty over the Malvinas Islands." [39]

"... 1) The letter is not written by San Martin, only signed. Those of us who study the numerous correspondence and offices of the Liberator notice at first glance that this letter does not correspond to the Great Captain. Noticeable differences can be observed between the calligraphy of the letter (of an anonymous clerk) and the particular known letters of San Martin. 2) The letter is not addressed to the Minister of War, Antonio Berutti, ... It is addressed (as shown at the bottom of the second sheet) to the Gov. of San Juan, and the text is a transcript of the orders of the Minister of War, Berutti. That is to say, San Martin was only resending the order received from Buenos Aires to the Governor of Cuyo. Obviously, the mention of the Malvinas in 1816 as a territory of the United Provinces of the Río de la Plata in that document and the signature of San Martin are a flight of imagination ... to reaffirm the claims of sovereignty based on historical documents." [40]

"... if there were any such soldiers, they were in San Juan, not in the Malvinas. Far from being a "display of Argentine sovereignty" it might equally indicate that the war minister and San Martín did not regard the islands as Argentine territory..." [41]

Researcher's Comment: All this circular demonstrates is that San Martin, if he was the originator, was very much out of touch. At that time, there had been no garrison on Soledad for five years, and while there had been a few prisoners as labourers, there had been no prison.

October 25th, in Buenos Aires, a *Manifesto* is announced, addressed to all nations by the General Constituent Congress of the United Provinces of Rio de la Plata, to explain the reasons for its breach with Spain. [42]

> *"We address ourselves to the nations of the world, whom it would be impossible to think of deceiving in matters to which they themselves have been witness...*
>
> *We have sworn before the Supreme Judge of the Universe, that we will never renounce the cause of justice; that we will not permit the country which he gave us to be buried beneath ruins, and submerged in blood by the hands of executioners; that we shall never forget the obligations that we owe to save her from the dangers which threaten her, nor the sacred right to require of us all necessary sacrifices to prevent her from being soiled by the foul footsteps of tyrants and usurpers.*
>
> *This declaration is engraven on our hearts..."* [43]

November 28th, at Soledad (East Falkland) Island, a Spanish merchant ship, *Carmelo*, short of supplies, arrives at the old garrison site. [44] On board is a Pilot of the Royal Spanish navy – Gabriel Francisco de la Quintana.

> *"Church. Burnt ceilings and altar, and cast down a front of its walls. House of the Commander. Burned and cast down its walls and doors. House of the second Commander. Burned its roof, doors and windows with only the walls. Hospital. Burned its roof. All its beams, doors and windows, and demolished a front of the main room. Presidio house. Burned on one side with doors and windows. Barracks of the troop. Idem, burned and cast down their walls. Navy Barracks. Idem, in everything*

39 *Malvinas Museum incorporates San Martin letter referred to links with South Atlantic Islands* Mercopress Aug 18, 2014
40 Letter of May 10, 2017, responding to the *Los Andes* article of April 29, 2017 signed by historian Roberto Colimodio.
41 *Falklands Facts and Fallacies: The Falkland Islands in History and International Law* Graham Pascoe 2020 p.56
42 *British & Foreign State Papers 1818-1819*
43 Quoted in *The Reports on the Present state of the United Provinces of South America* C. Rodney & J. Graham 1819
44 *Carmelo* loaded with a cargo of *yerba-mate*, had left Rio de Janeiro in September, 1816 bound for Valparaiso. Carrying letters to the Viceroy of Lima and the Captain General of Chile.

like the previous one. Warehouse and supply room. Everything burned with only the walls. Powder store. Idem. Idem. Smithy. Demolished the room of the forge. Bakery. Only structure that was good in everything, both its furnaces and its walls and divisions. Batteries. Cast down their walls and embrasures. This island is found on the northern side with an abundance of cattle and horses, in view of the fact that only four leagues away we have seen more than a thousand horses and more than six hundred cattle. There are also two boats on this island, one apparently of His Majesty called the Gloria, thrown as the attempt to sink (it) in a drift Point of the Entry, and the other that is not known if it was Spanish, scuttled in the Beach." [45]

At South Georgia, British sealer *Grand Sachem* hunts.

In late **December**, Carmelo returns to Rio de Janeiro having failed in its mission to sail to Valparaiso.

1817 – January 9th, from Rio de Janeiro, Spain's charge *d'affaires,* Andres Villaba, after interviewing Piloto Quintana, reports to First Secretary of State, José García de León y Pizarro, in Madrid on; *"... the state in which is the establishment that we occupied in the Maluinas islands."* [46]

In the Falkland Islands, *Volunteer* arrives en-route for New York. [47]

En-route to South Georgia, Samuel B. Edes, in the sealer *Pickering*, out of Boston, visits the archipelago. They depart; *"After reconnoitering about the Falkland Islands, without finding seal enough to warrant us in leaving a gang there,..."* [48]

In the north-west of the Falklands, Britain's old settlement at Jasons Town, by the harbour of Egmont, remains a favoured resort of whalers; *"The English again formed a small settlement in Port Egmont in 1817, principally as a place of refreshment for the Whalers."* [49]

"... the British crews were exercising Britain's rights under the 1771 agreement and the Nootka Sound Convention..." [50]

January 20th, from Rio de Janeiro, Brazilian/Portuguese troops move into the town of Montevideo.

April 6th, from Madrid, George W. Erving, US Minister to Spain, writes to Secretary John Quincy Adams.

"With respect to the colonies,.. here the two governments cannot agree. Spain in the true spirit of her system, insists on their returning to their ancient unqualified allegiance, & her pretensions are still upheld by calculations on the flattering intelligence, true or false, which she every now & then receives from various parts of South America. England... desires that the trade to them may be open."[51]

---

45 *Andres Villalba to Jose Garcia de Leon y Pizaro No.413* in *Esatado del puerto de la Soledad en las Islas Malvinas Estado, 99, N.14.* The vessel *Nuestra Señora de la Gloria* had been wrecked near Puerto Soledad circa 1778. The extent of the destruction at Puerto Soledad is surprising. And by whom? Sealers? Whalers? *cf.* January, 1817

46 *Ibid*. Interesting that the name Maluinas, derived from the French Malouines, was still in use. See 1802.

47 *Voyages and Discoveries in the South Seas* 1792-1832 E. Fanning 1924

48 *Fore and Aft: or, Leaves from the Life of an Old Sailor* William Dane Phelps 1871

49 *Army and Navy Chronicle (New Issue)* vol.6 January 1 to June 30 1838 p.165-166. In *The Pictorial History of England* G.L. Craik 1841, the reference had changed; *"In 1817 some private individuals formed a settlement there ..."* although both appear to have originated with an entry in *The Penny Cyclopedia of the Society for the Diffusion of Useful Knowledge* 1837 which is most accurately reflected in the *Chronicle*.

50 Pascoe 2020 p.56

51 *Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations* W. R. Manning 1925 vol. III

In the Atlantic, on the same day, *Invincible,* a privateer acting under a '*commission*' of Buenos Aires, and commanded by an American, David Jewett, attacks and seizes the *General Gates*. [52]

"He captured at least five Spanish ships, and returned to Buenos Aires in 1817." [53]

April 13th, in Madrid, a *minute* of the office of the Secretary of War, notes that Quintana's assessment of Port Soledad of November, 1816, has been passed to the Minister. [54]

May 15th, in Buenos Aires, *Reglamento Provisional de Corso* is introduced to regulate the actions of privateers employed by the provincial government. Signed into law by both the Supreme Director, Juan Martin de Pueyrredon, and Matias de Yrigoyen, the Minister for War and the Navy.

"... Buenos Aires had drawn up a special code to deal with privateering. The government at Washington placed the cause for much of the evil of the privateering system upon two articles found in this very liberal code, to that which (1) gave the privileges of a Buenos Airean and a right to that country's flag to a foreigner who had never been in the country, and to that which (2) permitted the privateers to send their prizes to any port they pleased." [55]

"... littoral states strong and weak alike relied on private vessels for maritime support. Those private vessels, known as privateers, were invested with power to act on behalf of a state through letters of marque and reprisal. Instead of oceans policed by national navies, private vessels and their captains sailed their vessels on behalf of states." [56]

September 5th, at Buenos Aires, William D. D Worthington arrives as the US Special Agent for Commerce.

"On September 13th he met with the Supreme Director ... he had a harder time convincing (the government) that he was only a Special Agent for Commerce. When he finally made it clear that his commission as such did not constitute recognition of independence, public opinion in Buenos Aires toward him became "luke-warm" if not actually "repulsive."..." [57]

September 17th, in Madrid, at a Council of State meeting, Spain's Minister of Justice, Juan Lozano de Torres, urges the departure of the River Plate expedition as soon as possible. The Council sanctions the expedition and approves General Vigodet's plan, which calls for Soledad Island to be used as a staging post. [58]

"From what Vigodet said, it follows that the islands would come to play the role of supply base and rest in the long journey that (he) was to lead the expedition..." [59]

---

52 Jewitt is the spelling used by Fitzroy, Weddell, Greenhow and others, which appears to accord with his signature on a letter to the Supreme Director of Buenos Aires in 1821. It was also the spelling used by his father. However, Jewett is the form most commonly occurring.

53 *David Jewett's visit to the Falklands, 1820-21: no valid "possession-taking"* Graham Pascoe 2020

54 *Esatado del puerto de la Soledad en las Islas Malvinas Estado, 99, N.14.*

55 Craine 1961 p.104

56 *The Full Story of United States v. Smith, America's Most Important Piracy Case* Joel H. Samuels 2012

57 Craine 1961

58 *The Falkland Story 1592 – 1982* M. Cawkell 1983 p.31. An expedition of 20,000 men to recapture Buenos Aires had been ordered assembled by King Ferdinand VII in May, 1815. Two years later, little appears to have been achieved. See *The Buenos Aires Expedition and Spain's Secret Plan to Conquer Portugal, 1814-1820* Timothy E. Anna in *The Americas* vol.34, No.3 (Jan., 1978), pp.356-380.

59 *Una Tierra Argentinas: Las Islas Malvinas* R. R. Caillet-Bois 1982 (6th ed.) p.179

September 20th, the *Gazeta de Buenos Aires* reports that two soldiers, Fransisco Andrade and Luis Villada, are sentenced to 10 years imprisonment with hard labour in "*Patagónicas*." [60]

October 29th, in Washington DC, Don Manuel Aguirre meets Secretary Adams. Aguirre hands over credentials signed by Supreme Director Pueyrredon, authorising him to act on the United Province's behalf in the United States. [61]

October 30th, US President Monroe asks a number of questions regarding South American recognition.

> *"Is it expedient for the United States to recognize Buenos Aires or other revolted province? … Is it expedient to act as was accorded in the previous May and suspended, i. e. to send a commission to South America to report on the progress of the revolution and the probability of its success?"*

"Adams argued successfully against the expediency of acknowledging the independence of Buenos Aires, and urged that the next despatch from the United States Legation in Madrid be awaited before assuming any new attitude toward Spain;.." [62]

Aguirre is informed that he will not be viewed as a Minister from Buenos Aires, but merely as an agent.

In **November**, off East Falkland Island, *Sea Fox* (Fanning) arrives seeking seal oil and skins. The *Bordelais*, a French ship commanded by Camille de Roquefeuil sails near the archipelago.

> *"I wished that it (France) would again occupy those islands, which, it is true, would not furnish any rich produce but … would be useful to our fisheries, … Spain, which is on the point of being excluded from South America, could have no interests in preventing us: and even the power which embraces the world with its colonies and squadrons, could hardly look with a jealous eye on the occupation of this desolate coast."* [63]

November 28th, at South Georgia, the sealer, *Admiral Colpoys (*James Todrig), is wrecked. [64]

December 3rd, at Buenos Aires, a provisional government is established for the United Provinces.

"The General Congress of the United Provinces, assembled at Buenos Ayres, on the 3d of December, of 1817, established, by a provisional statute, a temporary form of government, … The Congress is comprised of deputies from the different provinces. It actually consists of twenty-six members… The Congress are to be chosen by electors, who are to be voted for by the people in the primary assemblies…" [65]

December 4th, the US sends out three commissioners, Caesar Augustus Rodney, Theodorick Bland and John Graham, to ascertain the condition and prospects of the La Plata provinces, and Chile.

> *"We sailed in the United States' frigate the Congress, from Hampton Roads on the fourth of December, (1817,) and touched, as directed, at Rio Janeiro, where we delivered the despatches committed to our*

60 *Malvinas: Soberanía, Memoria y Justicia. Vol.II: Balleneros – Loberos – Misioneros* Sergio E. Caviglia 2015 p.34. This author suggests that Patagónicas; *"... was the name usually used to refer to the Falkland Islands and / or islands of the South Atlantic."* These prisoners were actually sent to the facility at Carmen de Patagones; where Villada led a revolt in 1818 and where he died. *cf.* August, 1816

61 *Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848* C. F. Adams (ed) 1874 vol.4 p.14

62 *Early Diplomatic Missions from Buenos Aires to the United States 1811-1824* S. F. Bemis 1939 p.60

63 *A Voyage Round the World 1816-1819* Camille de Roquefeuil 1823

64 *Voyages to South Georgia 1795-1820* A. G. E. Jones 1971. Also *Wrecks, Hulks and Other Vessel Remains at South Georgia, Falkland Islands Dependencies* R. Headland 1984

65 *Mr. Rodney to the Secretary of State Nov 5, 1818* in Rodney & Graham 1819

charge to Mr. Sumpter the minister of the United States resident there. After a stay of a few days, we proceeded thence, direct for the River Plate …" [66]

"Those chosen were Caesar Augustus Rodney of Delaware, John Graham of Virginia, Theodorick Bland of Baltimore, and, as secretary, Henry M. Brackenridge, also of Baltimore. The reasons for sending such a commission were at least three in number: one, the pressure of public opinion, two, the honest desire of the administration to gather correct information regarding conditions in that region, and finally, the desire to gain an excuse for delay in changing the government's Spanish-American policy." [67]

At the Falklands, North American sealer *Jane Maria* hunts. *Sea Fox* (Fanning), is also moored there.

December 24th, in Washington DC, Secretary John Quincy Adams has a further meeting with Manuel Aguirre.

"He gave me a copy of the Declaration of Independence of Buenos Ayres of 9th July, 1816, and read to me in English a paper urging the acknowledgment of that Government by the United States." [68]

1818 – February 18th, in Montevideo, a merchant, Luis Élie Vernet[69] arrives en-route to Buenos Aires where he intends to set up a trading company with a partner, Conrado Rücker. [70]

In Buenos Aires, on the same day, Juan Pedro Aguirre submits a petition to the Consulado requesting a permit to establish a sealing operation in "*uninhabited islands near the South Pole*". [71]

February 25th, in Buenos Aires, the General Congress decides to include the *Sun de Mayo* in the centre of the national flag to create a war flag (left).

February 28th, USS *Congress* arrives at Buenos Aires with the three American Commissioners.

"They were welcomed with great formality and considerable interest on the part of both the government and the people of Buenos Aires. Because of the public nature of their mission, and the attention that had been attracted to it, they were able to learn little that had not already been reported. For the most part, they had to accept the information that was presented to them. In this respect, a single commissioner, sent without all the fanfare which accompanied this commission, would probably have accomplished much more." [72]

March 24th, in the US House of Representatives, Henry Clay submits a proposition with regard to the sending of a Minister to the United Provinces of the Rio de la Plata, and the formal recognition that such would entail.

---

66 *Report of Theodorick Bland, Special Commissioner of the United States to South America, to John Quincy Adams on the condition of South America* T. Bland 1818 (November 2)

67 Craine 1961 p.109

68 *Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848* C. F. Adams 1874 vol.4 p.30

69 Luis Elie Vernet (1791-1871) was born in Hamburg of French Huguenot stock. Well educated and multilingual, he spent periods in both the USA and Portugal before arriving in Montevideo. His first name was variously styled *'Luis,' 'Louis*' or '*Lewis*' - often dependant upon where he was or who he was corresponding with. For a biography see - https://www.falklandsbiographies.org/biographies/vernet_louis

70 Caillet-Bois (1982 (6th ed.) p.189) gives the year of Vernet's arrival in Buenos Aires as 1817, but no day or month. Vernet's partnership with Conrado Rücker lasted until 1821. *cf.* 1823, 1824, 1828, 1832, 1833

71 Information supplied by the xAI (Grok) following a claim that this was an assertion of sovereignty by Argentina to the South Orkney (discovered 1821) and South Shetland Islands (discovered 1819). The Consulado, founded in 1794, was the Spanish equivalent of the British Board of Trade. Of the two groups of islands, the South Orkneys are the furthest south, but still more than 4,000 miles from the South Pole. This permit was just too vague to be a claim of sovereignty.

72 Craine 1961

"... a provision for an outfit and one year's salary for a Minister to the United Provinces of La Plata, ..." [73]

March 25th, US President Monroe writes to the House of Representatives, to say that any move to acknowledge the Government of La Plata would be deemed "*inexpedient*". [74]

March 28th, Henry Clay's proposition is defeated.

March 29th, in Washington DC, Aguirre receives a letter from Supreme Director Pueyrredón, addressed to President Monroe, requesting formal recognition of the United Provinces by the United States of America.

April 21st, in Buenos Aires, the US Commissioners speak to Foreign Minister Gregorio Tagle.

> *"The Nation is styled The United Provinces of South America. The number and denomination of each, with its Intendencies and Chief Towns and Districts (Cabezas de Pardido), according to the former state of the Viceroyalty, appear in Document No.1... Out of the fourteen provinces, into which the territory of the ancient Viceroyalty is now subdivided, there are nine in the hands of the patriots,.. and those occupied with troops or under the influence of the Spanish army, are the other five, whose names are Potosi, Plata or Charcas, Cochabamba, La Paz and Puno... The territory of the United Provinces contains 145,000 square leagues. ... These Provinces have been, de facto, independent of Spain since the year 1810, ... It was not the proclamation of independence which gave origin to the rights of the Americans; it merely recognized them as they had before existed, and had been claimed since the memorable epoch of the 25th of May, 1810."* [75]

Tagle also provides tables showing the produce of the provinces together with income and valuations. One inventory lists eight vessels of war and eleven '*private armed vessels*'.

> *"I send you, gentlemen, the statements and notes, which exhibit the present situation of the United Provinces of South America, in order that, with the information they may afford, his excellency the President of the United states of North America, may proceed in his steps in relation to these countries, in the way most conformable to his high intentions, and to the greater prosperity and aggrandizement of the new world."* [76]

May 8th, in Madrid, a military committee convenes to reconsider the La Plata expedition.

"In that year (1818), when a "Military Junta of the Indies" met to deal with various issues, Vigodet himself, on May 8 and from Aranjuez, expressed his judgment on whether "there are the necessary means to carry out an Expedition in order to subject Buenos-Ayres". After representing the convenience of sending an expedition of 5 to 6 thousand men bound for the Port of Arica, he added: "Let me recall, in case it is relevant, that when leaving the Malvinas Islands, in the year 1810 [sic: 1811], a large number of cattle remained in them; and that there is also an abundance in the San José Peninsula on the Patagonian coast...; [the Indians] would probably give you Cattle in exchange for the Brujerias they are so fond of". From the words of Vigodet, it is deduced that the islands would come to play the role of base of supply and rest in the long journey ..." [77]

---

73 *Annals of Congress, 15 Cong. 1 Sess. p.1646*

74 Craine 1961 p.111 citing *Monroe to House of Representatives March 25, 1818*

75 Rodney & Graham 1819 p.233. Also *British & Foreign State Papers 1818-1819* 1835 p.649. The provinces listed in *"Document No.1"* were Buenos Aires, Paraguay, Cordova, Salta and Potosi.

76 Note dated April 22, 1818 in Rodney & Graham 1819 p.245

77 Caillet-Bois 1982 (6th ed.) p.179 citing *Archivo General de Indias, Sevilla, Seccion IX, Estado, America en general, leg.17 (1-8)*

"... after three hours of often rambling and irrelevant discussion, nothing positive was achieved." [78]

May 20th, from Washington DC, John Quincy Adams writes to Richard Rush, in England, with a message for the British Government - that the USA would not co-operate in any pacification of South America that did not involve the entire independence of the South Americans.

"Adams stated, in this same communication, that the administration was convinced the basic British policy was independence for South America and that as soon as England had satisfied her sense of duty to Spain she would establish a policy favoring independence." [79]

July 24th, John Quincy Adams sees President Monroe regarding a letter from Commissioner Bland.

"... Bland's letter... contains much information concerning the state of the country, a decided opinion that they will never again submit to the dominion of Spain, and an opinion equally strong that the Government of the United States ought not at present to recognize that of Buenos Ayres. He has a very bad opinion of Pueyrredon, and still worse of his Secretary of State, Tagle." [80]

August 1st, in Madrid, Ministers meet again to review the River Plate expedition proposals. After some discussion over the available resources, and Spain's lack of funds, they inform King Ferdinand that an expedition in 1818 now appears unlikely.

French statesman, the 5th Duc de Richelieu, in an attempt to facilitate an accord between Spain and the United Provinces, proposes that one of the Spanish princes should be crowned at Buenos Aires. [81]

August 17th, at Kealakekua Bay, on the western coast of Hawaii, United Provinces privateer Hipólito Bouchard anchors *La Argentina*. [82]

August 23rd, from Salem, Massachusetts, USA, sealers *General Knox* (Orne), and *Governor Brooks* (Withem), sail for the Falkland Islands.

In **October**, at the Congress of Aix la Chapelle (Aachen), Britain defies attempts by Spain to reassert authority over its American colonies; *"By autumn, 1818, plans were being laid by France, Russia and England for mediation, but the position of England in such action was becoming more and more vague. By October, the chances of the allied powers reaching an agreement seemed remote."* [83]

"At the Congress of Aix-la-Chapelle in 1818, for example, (Castlereagh) blocked hostile moves by France and Russia against Buenos Aires." [84]

---

78 Costeloe 1986 p.77/78

79 Craine 1961 p.114

80 Adams (ed) 1874 vol.4

81 *Pan-Americanism: its beginnings* J. B. Lockey 1970 p.92.

82 There is a story, started by the 6th President of Argentina, Bartolomé Mitre, that while Bouchard was at Hawaii he met with the ruler, King Kamehameha, to who he gave the honorific title of 'Lieutenant-Colonel of the United Provinces'. As part of a verbal agreement whereby a United Provinces frigate, which had come into the King's hands, was returned in exchange for a sword and a hat. Mitre fancifully asserted that this agreement was the first *international treaty* signed by the UP, despite it never being ratified by any government. Argentina's modern governments list the British/UP treaty of 1825, as the first.

83 Craine 1961 p.114. The Conference attended by Great Britain, Prussia, Russia and France was primarily to discuss the withdrawal of allied troops from occupied France, following the end of the Napoleonic wars.

84 *The British in Argentina: Commerce, Settlers and Power 1800-2000* D. Rock 2018

November 2nd, from Buenos Aires, Commissioner Bland reports on the southern extent of the geographic area claimed by the United Provinces. [85]

> *"To the South of latitude thirty-eight degrees and a half, and between the Andes and the Atlantic, as far as the straits of Magellan, is, at present, entirely in possession of the various tribes of Patagonian savages, over whom the colonial Government exercised no authority, nor asserted any claim, other than a right of pre-emption and of settlement in their territory against all foreign nations; to which rights and benefits the independent Government claims to have succeeded."* [86]

November 5th, Commissioner Rodney also describes the United Provinces. [87]

> *"It was composed, at the commencement of the Revolution, of the 9 Provinces, or Intendencies following:- Buenos Aires, Paraguay, Cordova, Salta, Potosi, La Plata, Cochabamba, La Paz and Puno... The territory of the United Provinces is computed to contain 150,000 square leagues, although it probably exceeds that quantity."* [88]

"The three commissioners were unable to agree in all details of their findings and submitted separate statements. Although all were partial to the insurgents prior to their departure, their reports to the government indicated disillusionment. The essence of the reports was that it appeared to be impossible for Spain to regain control of South America, but, on the other hand, some doubt existed as to the ability of Buenos Aires to maintain a stable government." [89]

November 7th, in Washington DC, after assisting US President Monroe with a speech due in Congress, John Quincy Adams records that the President cannot acknowledge the government in Buenos Aires.

"... they pretend to the sovereignty of the whole Viceroyalty of La Plata, while Portugal is in possession of Montevideo, Artigas of the Banda Oriental, Paraguay under other separate government, and the Spanish royalists in five other provinces." [90]

"For most Americans, recognition of Buenos Aires was not important enough to risk the destruction of American commerce at the hands of Britain and the threat of privateers that would be released by Spain." [91]

November 16th, President Monroe delivers the annual *Message to Congress*.

> *"The civil war, which has so long prevailed between Spain, and the provinces in South America, still continues without any prospect of its speedy termination.... the government of Buenos Ayres declared itself independent in July 1816, having previously exercised the power of an independent government, though in the name of the King of Spain, from the year 1810: that, the Banda Oriental, Entre Rios, and Paraguay, with the city of Santa Fee, all of which are also independent, are unconnected with the present government of Buenos Ayres: that Chili has declared itself independent, and is closely*

85 The reports of the US Commissioners are important as they form the first detailed examination of the United Provinces of the Rio de la Plata; its territories and product. A comprehensive assessment based upon information provided by the provincial governments; supplemented by the Commissioners' own observations. Britain would not go through a similar process of evaluation until 1824. At no time was it suggested to the US Commissioners that the United Provinces included the territory of the Falklands archipelago, or any part of it.

86 Bland 1818. No mention of the archipelago at 52° South. Bland differed in his opinions from Rodney and Graham, hence the separate report. Bland's opinions appear to have carried the most weight in Washington DC.

87 See https://falklandstimeline.files.wordpress.com/2018/01/rodney-report-1819.pdf

88 Rodney & Graham 1819. Caesar Rodney was appointed Minister Plenipotentiary to Buenos Aires in 1823.

89 Craine 1961 p.110.

90 Adams 1874 vol.4 p.167

91 Craine 1961 p.113

connected with Buenos Ayres: that Venezuela has also declared itself independent, and now maintains the conflict with various success; and that the remaining parts of South America, except Monte Video, and such other portions of the Eastern bank of the La Plata as are held by Portugal, are still in the possession of Spain, or, in a certain degree, under her influence."

November 20th, from London, US Minister Rush writes to inform President Monroe that he believes that Great Britain is moving towards a policy that would favour independence for Spanish America. [92]

December 14th, in Washington DC, Adams interviews David Curtis DeForest, who carries papers from Buenos Aires to act as Consul-General to the USA.

"Adams again informed DeForest that the United States did not consider this the time for recognition and,.., cautioned him that recognition would come at the proper time. Adams also referred to the unrest in the Plata region, asserting that any recognition by the United States would in no way determine the extent of territory claimed by Buenos Aires, particularly such areas as the Banda Oriental, Paraguay and Sante Fe. DeForest greatly displeased Adams by renewing his solicitations for acceptance as Consul General from Buenos Aires."[93]

1819 – January 1st, US Secretary of State, John Quincy Adams instructs the US Minister to Britain, Richard Rush, to inform the British Government that Washington DC is contemplating a limited diplomatic recognition of the United Provinces.

"When adopted, it will be a mere acknowledgment of the fact of Independence, and without deciding upon the extent of their Territory, or upon claims to Sovereignty, in any part of the Provinces of La Plata, where it is not established and uncontested." [94]

January 14th, Spain announces penalties for any foreigner joining their rebellious colonists.

"News reached England that ships of war flying the Spanish flag had orders to cruise against the merchant ships of every country presuming to trade with her insurgent Colonies." [95]

At South Georgia, British whalers, *Anne*, *Grand Sachem*, *King George*, *Dove*, *Recovery* and *Mary Ann*, hunt. [96]

January 28th, in Washington DC, in a letter to the US Congress, Secretary Adams reiterates that the Consul of the United States at Buenos Aires holds no credentials other than his commission, and that this implied no recognition by the United States of any government there.

"Furthermore, the commission was issued before Buenos Aires declared its independence, and at a time when all the acts of the authorities at Buenos Aires were in the name of the King of Spain." [97]

February 3rd, the British sealer *Indispensable* is reported as lying near South Georgia with 120 tons of oil. [98]

February 12th, at a conference attended by British and US Ministers, Lord Castlereagh dismisses suggestions that Britain is preparing to recognise the independence of revolted Spanish-American territories.

---

92 *Rush to Adams Nov 20, 1818*

93 Craine 1961 p.127 citing *DeForest to Tagle December 18, 1818*

94 Manning 1925 vol.1 pp.87-88

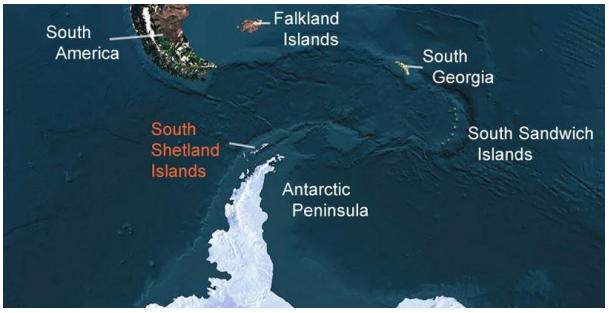
95 *History of England: from the great war of 1815* Spencer Walpole 1912 vol.2 chap.9

96 The typical route of both American and English sealers was first to sail to the Cape Verde Islands to take on salt for the preservation of the seal furs, and then head for the Falklands to get fresh water and prepare for the harsher sub-Antarctic conditions before continuing on to South Georgia. Many of the vessels would over-winter at the Falklands. British sealers were inclined to anchor at the harbour of Port Egmont., while the Americans preferred New Island.

97 Craine 1961 p.129

98 Jones 1971

February 19th, Capt. William Smith in *Williams*, sights land south of Cape Horn. He sails on to Valparaiso to report his discovery.



"In 1819, William Smith, Master of the brig Williams from Blyth, England, was engaged in coastal trade between various South American ports. Sailing far to the south of Cape Horn while on a voyage from Buenos Aires to Valparaiso, he sighted land (in the neighbourhood of Williams Point, Livingston Island) on 19 February 1819. He fixed the position of this landfall by chronometer and sun observations from a distance of about 20km, and proceeded on course. On arrival at Valparaiso, he reported his discovery to capt. W. H. Shirreff, RN, then in command of HMS Andromache and Senior British Naval Officer on the west coast of South America. Smith's account of his discovery was received with extreme scepticism by British people in Valparaiso, "who all ridiculed the poor man for his fanciful credulity and his deceptive vision". [99]

April 27th, at South Georgia, British sealer *Arab* hunts for seals.

April 28th, in England, the sealer *Echo* arrives from South Georgia with oil and seal skins valued at £1,400.

May 4th, at South Georgia, British sealer *Norfolk* is reported hunting.

May 6th, in London, sealer *Arab* arrives with 300 casks of oil and 5,000 seal skins worth £3,700.

May 22nd, at Gravesend in England, sealer *Grand Sachem* anchors with 150 casks of oil and 180 seal skins.

May 25th, in Buenos Aires, a proposed constitution is published for public consumption – *Constitution of the United Provinces of South America framed, sanctioned and ordered to be published by the Sovereign and General Constituent Congress on the 22 April, 1819.* The document is immediately rejected by the other Provinces. Supreme Director Juan Martín de Pueyrredón y O'Dogan promptly resigns.

"... after the Constitution of 1819 was promulgated, Pueyrredón resigned and anarchy broke out. ... The attempts of the various governments set up in Buenos Aires to extend their authority over all the provinces of the former Viceroyalty of La Plata proved as unsuccessful as their efforts to arrive at some stable form of administration." [100]

"By 1819, the United Provinces were in such a chaotic political condition that Pueyrred6n became discouraged and resigned his office as Supreme Director. General Jose Rondeau was quickly chosen to replace him." [101]

"On the fall of Juan Martín de Pueyrredón in 1819, political order collapsed and the now incongruously named United Provinces became fiefdoms of local warlords, the so-called caudillos." [102]

June 8th, in England, *Mary Ann* arrives at Limehouse with 690 casks of oil and 900 salted seal skins.

June 9th, in Buenos Aires, José Casimiro Rondeau Pereyra is appointed Supreme Director.

Capt. William Smith (*Williams*) attempts to re-visit the land he saw in February. Deterred by sea ice, he sails on to Montevideo.

---

99 *The History of Place-Names in the British Antarctic Territory* G. Hattersley-Smith 1991 in *British Antarctic Survey Scientific Reports No.113 (part 1)* 1991 pp.14-15. Smith did not, at that time, claim them for Great Britain. See October, 1819

100 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

101 Craine 1961 p.53

102 Rock 2018 p.50

"At Montevideo, as his manuscript report or "Memorial" to the Admiralty later reported, "the Americans at that port and Buenos Ayres offered your Memorialist large sums of Money to make known to them the Discovery he had made, but your Memorialist having the Good of his Country at heart (if any should be derived from such Discovery) and as he had not taken possession of the land in the name of his Sovereign Lord the King resisted all the offers from the said Americans, determined again to re-visit the new-discovered land."[103]

At Montevideo, Joseph Herring, Mate aboard *Williams*, departs for Buenos Aires with information regarding potential new sealing grounds. [104]

"In late 1819 news of the discovery reached Buenos Aires, where there was a growing and enterprising community of British merchants, some of whom chartered the brig Espirito Santo, with a mainly British crew and a British master (navigating officer), Joseph Herring, and sent her to the South Shetlands." [105]

A noted Buenos Airean shipowner, Patricio Lynch, acquires *Braque,* a French frigate, for refitting as a *privateer*.

"Privateers were privately owned vessels authorised by governments in times of war to prey upon enemy trade and shipping. They were required to carry commissions (letters of marque), act in accordance with specific instructions and transmit prizes to ports to be legally adjudicated in courts of maritime jurisdiction."[106]

August 17th, in Montevideo, Hamburg merchant, Luis Vernet, marries María Saez Pérez. [107] Vernet is introduced to an ex-Captain of the Militia, Jorge Pacheco, and is persuaded to make Pacheco a loan for a saladero. [108]

September 9th, in Buenos Aires, short of cannon, Patricio Lynch writes to Minister Matias de Irigoyen.

> *"Exmo. Sir.*
> *The citizen Patricio Lynch of this trade, and neighbor to Your Excellency, with my greatest respect, I say that I am animated to equip a Corsair in this Port, a frigate of 475 tons, and of 30 to 34 cannons. To do so, I only lack the armament and ammunition, which cannot be found for sale in the hands of individuals, it is essential for me to seek the attention of Your Excellency to request it from the arsenals, and parks of the State, under the conditions prefixed in art.5 of the Corsair ordinances.*
>
> *If Your Excellency is good enough to grant it, I hope you will serve to issue your orders to this effect, to the respective Commands of the Navy, Park and Weapons Commands; and at the same time order that the Letter of Marque with which said ship, which will be called "Thomás Guido", its Commander Don David Jewett, is to sail be extended and given to me.*
>
> *To Your Excellency, I humbly ask that you please grant my request because it is in accordance with the generosity with which Your Excellency protects those who risk their fortunes to exterminate the enemies of the Fatherland."* [109]

---

103 William Smith quoted in Hattersley-Smith 1991 p.15
104 *Chronological List of Antarctic Expeditions and Related Historical Events* R. Headland 1989
105 Pascoe 2020 (2)
106 *Privateering and Piracy in the Spanish American Revolutions* Matthew McCarthy 2012. Lynch, of Irish stock, was the great-great-grandfather of Che Guevara.
107 See 1828, 1830 & 1831
108 Caillet-Bois 1982 (6th ed.) p.192. A saladero produces salted meats. See April & September 1820, & August, 1823
109 Quoted in *Expedicion de David Jewett a las Islas Malvinas 1820-1821* Mario D. Tesler 1968 citing *Archivo General de la Nación.* Sala X. División Gobierno Nacional, Marina Corsarios, 1820-1831,volume 5, shelf 1, no. 3.

"Article five of the privateering ordinances, to which the shipowner Patricio Lynch refers, belongs to the Provisional Privateering Regulations of 1817. Under the corresponding bond, the cannons, rifles, gunpowder and ammunition that the shipowners lack from the complete qualification of the privateer will be released from the State warehouses, with the obligation to return the supplied articles once the privateering is over, not being obliged to pay for the loss or consumption caused by the service, and will be absolved of all responsibility, justifying the shipwreck or capture of the privateer." [110]

"The Heroína was owned by a Buenos Aires merchant of Irish origin, Patrick (Patricio) Lynch and some American partners; they fitted the ship out but were unable to obtain the guns and ammunition, which the Buenos Aires government supplied at Lynch's request from the state arsenal." [111]

October 16th/18th, Capt. William Smith (*Williams*) re-visits the land he sighted in February, 1819. [112]

"... on 14 October (Smith) again sighted the new land, not far from his previous landfall. He then coasted along the shore in a north-easterly direction and, on 16 October, landed near North Foreland, King George Island, where he took formal possession of the new land in the name of King George III, calling it New South Britain. On arrival at Valparaiso in November, he again reported his activities to Capt. Shirreff, and at last succeeded in convincing him of the reality of the discovery." [113]

> *"October 18th (1819) ... Finding the weather favourable, we lowered down the boat, and succeeded in landing; found it barren and covered with snow; seals in abundance. The boat having returned, and being secured, we made sail off shore the ensuing night."* [114]

"The South Shetland Islands. - The British claim to these islands is based upon the fact that they were discovered in 1819 by William Smith in the brig "Williams", and that he landed on Livingston I., one of the group, on October 18th (sic), 1819, and took formal possession of them for England. This claim is disputable, in that it is not absolutely certain that the islands had not been discovered previously. The alternative claim is a Spanish one, and is based upon two possible previous discoveries. The first of these is the discovery originally attributed to Dirck Gerritz, in command of a vessel named "De Blyde Boodschap", who was stated, in the introduction to a Latin edition of Herrera's "History of the Doings of the Spaniards in America", published at Amsterdam in 1622, to have discovered, South of Cape ·Horn, in 64° S., "a mountainous snowy coast". Later investigation has shown that this discovery, if made at all, was not made by Gerritz, but by some Spanish vessel under the Spanish Admiral in-command on the coast of Chile. The description given in Herrera corresponds exactly with the S. Shetlands, so that it is probable that some Spanish vessel made the discovery, although no certain record of it has been preserved. The other possible previous Spanish discovery is much slighter, and is based upon the fact that a Spanish 76-gun ship, the "San Telmo", was wrecked upon Smith Island, at the western extremity of the South Shetlands, during 1819, and lost with all hands. She may possibly have antedated Smith's discovery in February of that year." [115]

---

110 *Ibid.*

111 Pascoe 2020 (2)

112 Some accounts give the date as the 14th, others the 18th.

113 Hattersley-Smith 1991

114 From the log of the brig *Williams*, quoted in *A voyage towards the south pole, performed in the years 1822-24* J. Weddell 1825 p.130. No mention in the log of Smith making a claim for Britain, but an account in the *Edinburgh Philosophical Journal* of 1820 (vol.3 pp.367-380) suggests that he did so. However, see also December, 1819 and January, 1820 below

115 *Territorial Claims in the Antarctic Regions* United Kingdom *(*Admiralty) 1919 p.7 (Hydrographic Department)

"The Treaty of Tordesillas (1494) under which the Spaniards and the Portuguese divided the New World between them, whose provisions specifically extended to the South Pole, would have the effect of awarding the South Shetlands to Spain. ... Spain has, however, never advanced any claim to the South Shetlands. ... Bransfield produced the earliest chart of the South Shetlands." [116]

November 15th, from Valparaiso, the US agent informs Washington DC of Smith's discovery.

From East Falkland (Soledad) Island, the American sealer *Hersilia* (Sheffield) sails in search of the Aurora Islands; leaving behind 2nd Mate Nathaniel Palmer, known as 'Young Nat', to obtain supplies of fresh beef from the feral cattle herds. [117]

"... On this voyage he and a sailor were left upon one of the Falkland Islands to obtain provisions for the brig, while the Hersilia went in search of the fabulous Auroras. Soon after the departure of the brig, the Esprito Santo from Buenos Ayres hove in sight off the island, and 'Young Nat,' as he was then called, piloted her into the harbour, and found that she was bound to a place where there were thousands of seals, but (they) refused to divulge the situation. ..." [118]

In **December**, *Hersilia* returns to West Falkland to pick up Palmer, having failed to find the Auroras. Hearing of *Esprito Santo*'s voyage, James Sheffield sails south in search of the new sealing grounds.

In Spain, at Cadiz, after four years, 14,000 men, supplies and transport ships still await the long-planned expedition to the River Plate; *"... we are threatened anew by the formidable Force preparing by the implacable pride and obstinacy of Spain..."* [119]

At South Georgia, a Russian expedition led by Fabian Gottlieb Thaddeus von Bellingshausen arrives in *Vostok* and *Mirny*. In one of the fjords, Bellingshausen meets two English three-masted sealers which had been hunting seals there for four months. [120]

"The Russian vessels Mirnyi (Capt. Thadeus Bellingshausen) and Vostok (Capt. Michael Lazarev) met sealers from the English vessels Indispensable (Capt. Brown) and Mary Ann (Capt. Short) when they arrived on 27 December 1819... They had been working on the Island for four months, sleeping under upturned shallops and using penguin skins to fuel the try-pots." [121]

December 19th, at Valparaiso, *Williams* is chartered by the Royal Navy. Smith is employed as pilot, while Edward Bransfield, Master, RN, takes command with instructions to survey the new discovery.

"(Bransfield) was to ascertain whether the land reported by Smith was an island group or part of a continent connected with Cook's Sandwich Land (now South Sandwich Islands)." [122]

---

116 *Memorandum on the Falkland Islands Dependencies* January 12, 1947 in *LCO 2/490.* Spain and Portugal had abandoned the treaty of Todesillas in 1750; confirmed in 1777.

117 No exact date available. On early 19th century maps a group of islets marked as the Aurora Islands were often shown between the Falklands and South Georgia. See - https://falklandstimeline.files.wordpress.com/2019/01/1813-detail.png

118 See *Stonington Antarctic Explorers* Edwin Swift Balch in *Bulletin of the American Geographical Society* vol.41, no.8 (1909) pp.473-492

119 *Recueil de Traites d'Alliance, de Paix, de Treve, de Neutralité, de commerce, de limites, d'échange etc. et de plusieurs autres actes servant à la connaissance des relations étrangères des Puiffan e es et états de Europe ... Despuis 1761 jusqu'à présent* G. F. Martens 1842 vol.3 p.145.

120 *The Status of Sealing in the Sub-Antarctic Atlantic* Robert Cushman Murphy in *The Scientific Monthly* vol.7 1918

121 *Seal Fisheries of the Falkland Islands & Dependencies: A Historical Review* A. B. Dickinson 2007 pp.65-66

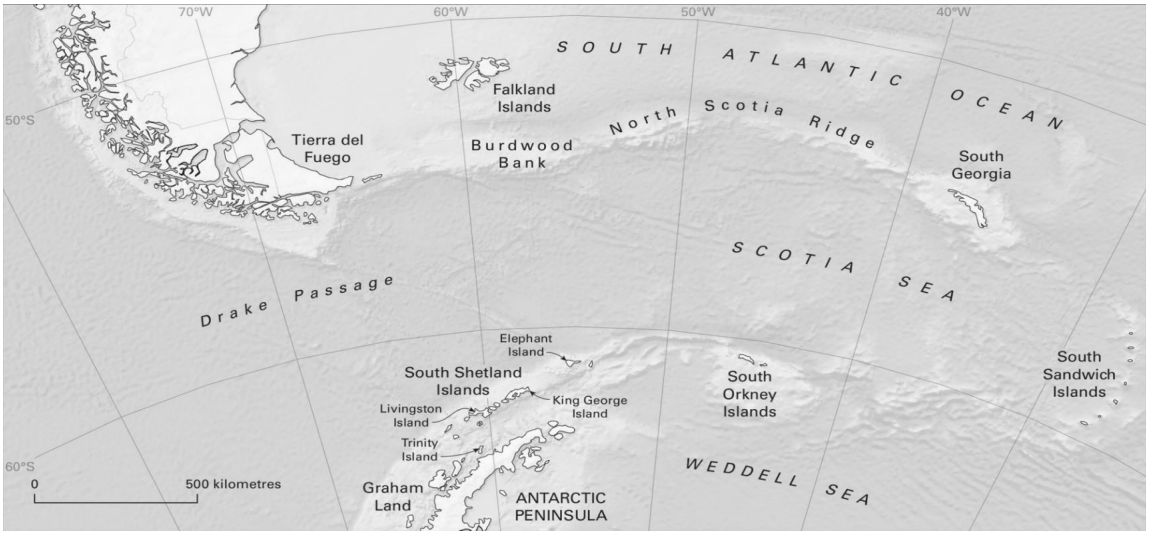
122 Hattersley-Smith 1991

"About the time of her sailing a "private report" was also sent from Valparaiso to Sir Thomas Hardy, commander on the Royal navy's South American station, who informed the Admiralty of the new discovery in a letter sent from HMS Tyne at Buenos Aires on 6 January 1820." [123]

December 22nd, off the South Sandwich Islands, Bellingshausen arrives; discovering more islands than Cook had recorded in 1775.

"On 22 December 1819, the Imperian Russian Expedition in the corvettes Vostok and Mirny, under Capt. T. Von Bellinghausen, sighted a small rocky island which they named "Lysekov Island" after the first lieutenant of Vostok. Bellinghausen's artist, Mikhaylov, drew the island with great accuracy and this drawing with the brief description supplied is sufficient to establish that there has been no major change in the aspect of the island since its discovery. On 23 December 1819, Visokoi Island was discovered and drawn, again in its present form, and on 24 December a visit was made to Zavodoski Island which had attracted attention by its dark smoke plume. ... A party landed and found many chinstrap and some macaroni penguins incubating eggs, and they collected rock and bird specimens. Passing southward along the island group, useful drawings and notes were made at the southern islands, and the insular nature of Bristol and Montagu Islands, and the Southern Thule island group was established." [124]

December 25th, at the South Shetland Islands, *Esperito Santo* (Rodrigo) anchors. Joseph Herring raises the British flag and the crew commence killing seals. [125]



"By early 1820 (sic) there were a number of sealing ships operating in the area and, since the mainland can be seen in clear weather from ships passing down Bransfield Strait to Deception Island, it is likely that other sightings of Trinity Peninsula were made at this time. However the early sealers were markedly reticent about the nature of their trade and the places they visited. In order to prevent rivals from obtaining information, many American sealers allowed publication of only the barest references to their voyages, even when these involved the loss of ships and crews. Thus, there is always the possibility that further research on surviving log books may raise new problems of priority of discovery." [126]

123 *The Falklands Saga: From the Beginning to 1831* Graham Pascoe 2024 2nd edition vol.1
124 *British Antarctic Survey Scientific reports No.91 The South Sandwich Islands: 1. General Description* W.M. Holdgate & P.E. Baker 1979 pp.4-5. For the original discovery by Capt. James Cook, see 1775
125 *The Imperial Magazine*, July, 1820. They apparently remained for 33 days.
126 Hattersley-Smith 1991 p.16

1820 – January 1st, in Spain, a dispute over the 1812 Constitution provokes a revolt leading to King Ferdinand's detention. Without orders, leaderless, the La Plata invasion force at Cadiz disperses.

"The army was known for its liberal persuasion and for its discontent over wages, promotions, and most important of all, over the prospect of being sent to fight in the far-distant American land... The uprising of the expeditionary force ended any hope of sending a single large force to America, and guaranteed the independence of Buenos Aires and perhaps the entire continent." [127]

In the western Falkland Islands, a French vessel arrives at the harbour of Port Egmont.

"It is proper thus to mention what the Islands are capable of affording now, for the reports of several years ago do not apply to the present time. An instance of this occurred in the case of a French ship which arrived at Port Egmont in the year 1820, for a cargo of seal skins and oil. The captain was a lieutenant in the French navy, and his ship was elegantly and expensively fitted out. It appeared that the voyage was projected upon the foundation of his father having, forty-two years before, been at this port, and at that time found the beaches lined with sea elephants and seals. The son expected the same to be still the case; but as none were to be found, he abandoned the voyage, with great loss, no doubt,.." [128]

January 7th, at Buenos Aires, with *Braque* renamed *Heroína,* Patricio Lynch writes again to de Irigoyen.

> *"With my corsair frigate Heroína receiving its provisions, recruiting its crew and preparing to set sail within 15 days, I take the liberty of writing to you … The name of the ship shall be as above mentioned, unless you decide otherwise; its letters of marque or commission shall be those of a warship of the state set to sail for a year;.. its captain Don David Jewett, that of Colonel … as was promised to him and as he deserves, having served on the Bark Invincible with the rank of Lieutenant-Colonel with honour … I'm thinking of giving him six lieutenants but I have yet to decide which, among the various applicants should be the first and which the second, and for this reason I request that you grant me commissions in the following manner: that of first lieutenant with the rank of captain, and the other lieutenants, 2nd, 3rd, 4th, 5th and 6th, with their ranks, all according to proper procedure and that of second lieutenant in favour of Don Luciano Castelli... I also request that you send me* ***general and specific instructions*** *that your Excellency may wish to communicate to the commander of the ship."* [129]

"In the postscript he adds that he thinks it is good to "authorize Jewett to name his surgeons and minor officers." After begging the Secretary of War and Navy to send him "the general and particular instructions that His Excellency may be good enough to communicate to the Commander of the frigate," ignoring the necessary requirements for a ship to be in good condition, or based on references provided by third parties, he makes the mistake of stating: "The Ship is now in an admirable condition, and I trust that it will do honor to the Country to which it belongs"." [130]

---

127 *The Buenos Aires Expedition and Spain's Secret Plan to Conquer Portugal, 1814-1820* T. E. Anna 1978. Spain had not given up its hopes of regaining the territory around the Rio de la Plata, but was defeated by its own inefficiency and changing attitudes within the country. Spain did not formerly abandon its claims until after Ferdinand's death in 1833. *cf.* 1836. Coincidentally, just as the expeditionary force disbanded, the rebellious United Provinces also fell apart.

128 Weddell 1825. Weddell did not provide a name for the vessel, but *Victor,* a French whaler commanded by Jean-Baptiste Jardin, is known to have visited the archipelago around this time, bound for Patagonia. Departed St. Malo on October 11, 1819. Returned August 4, 1820.

129 *Lynch to Yrigoyen January 7, 1820* in *AGN X 512.* My emphasis. See November 1820, and February, 1821.

130 Tesler 1968. In truth, the vessel was not in "*admirable condition*" being slow, difficult to handle and taking on water. Additionally, the amount and quality of food provisions were deficient, ultimately leading to scurvy.

January 8th, *Niles' Weekly Register* estimates 15 to 20,000 American seamen are engaged in *privateering*.

January 11th, at the South Shetland Islands, *Hersilla* joins *Esperito Santo*. [131]

"The Esprito Santo was anchored there, and much surprised to see the brig, but their admiration for 'Young Nat's' skill was so great that they even assisted in loading the Hersilia, and she returned home with 10,000 of the finest skins." [132]

SELLO PRIMERO.

MINISTERIO DE GUERRA Y MARINA.

EL DIRECTOR SUPREMO DE LAS Provincias Unidas en Sud América.

January 15th, in Buenos Aires, David Jewett is commissioned Colonel in the National Marine Service by Director José Rondeau; countersigned by Matías de Irigoyen. Minister of War and Marine.[133]

> *"The Supreme Director of the United Provinces in South America. Considering the merits and services of Don David Jewett, commander of the State war frigate the "Heroína", has come to confer upon him the rank of army colonel in the service of the National Navy. Granting him the graces, exemptions and prerogatives that correspond to him by this title. Therefore I command and order that he be considered, held and recognized as such a graduated colonel for which I issue the present Dispatch, signed by my hand, sealed with the seal of the State Arms and countersigned by my Secretary of War, which will be recorded in the Court of Accounts and General Treasury."* [134]

"As privateering developed in Britain in the 16-18th centuries, the privateer 'commission' and 'letter of marque' were two different entities. The former was issued against specific non-state targets, whereas letters of marque were issued against citizens of enemy sovereign states. However, by the 19th century, at least in the sources I've used, the two terms seem to have become synonymous and were used interchangeably... So, if Jewett received a 'commission', I would assume it was granted specifically to take command of a privateer, just as if he'd been issued with a letter of marque – the difference being merely one of terminology..." [135]

Heroina is granted letters of marque, in French and Spanish, by Supreme Director Jose Rondeau, under the Buenos Aires regulations of 1817; permitting the pursuit and capture Spanish vessels only. [136]

"... authorisation to capture enemy ships on behalf of the Supreme Director of the United Provinces of South America, written the first in French and the second in Spanish, and given to the first Captain of Heroina, David Jewitt, on the 15th January 1820 ... expressly declaring that the Heroina was a Buenos Ayres War Sloop and was aimed to fight against the Spanish flag,.. reprimanding and punishing all excesses committed against friendly or neutral flagships." [137]

131 See Hattersley-Smith 1991 p.17.
132 Balch 1909 pp.473-492. *Hersilla* remained until May 10, 1820.
133 *Revista del Archivo Nacional de Historia, Sección del Azuay* 1979 issue 5 pp. 120-121. There being no Argentine navy worthy of the name, the Marine consisted almost entirely of foreign privateers.
134 Quoted in Tesler 1968
135 In correspondence with Dr. Matthew McCarthy of the *Maritime Historical Studies Centre*, University of Hull 26.9.13
136 Any separate instructions would have been issued at this time. Likely to have been general in nature and founded upon the 1817 corsair regulations, however none have been found. See February, 1821 below.
137 From the Portuguese court record of 1822. *cf.* May 6, 1822.

In Buenos Aires, and along the Rio de la Plata, another corsair licence is available.

"*There is scarcely a Buenos Ayrean privateer which has not committed piracy of every description – it appears that at Buenos Ayres itself commissions of Artigas have been sold to the Captains of the Buenos Ayres privateers, who have gone to sea, and used one or the other commission as suited their purposes... There is not a day passes but we hear of new crimes of this description committed under the flag and commission of Buenos Ayres by people of every other nation; for, to find among them a native or even a genuine citizen of Buenos Ayres, is almost without example"* [138]

"David Jewett, an American corsair from the port of Baltimore,... offered his services to the patriot governments established in the Southern Cone. He thus obtained corsair licenses from Chile, the United Provinces of the River Plate and Brazil. ... Jewett was appointed Captain of the frigate, which, with its 475 tons, 34 cannon and almost 200 crew, was one of the most powerful ships to leave the port of Buenos Aires. At the beginning of 1820, the Supreme Director Jose Rondeau granted him the rank of Army Colonel in service of the Navy. ***He thus received instructions*** *to fly the national flag over the abandoned Falkland Islands, and deposit a group of convicts there."* [139]

"The Buenos Aires government regarded him as a privateer and no more; his function was simply to capture Spanish ships. Jewett's commission (which survives) did not order him to claim the Falkland Islands or to go there at all." [140]

January 16th, at the South Shetland Islands, *Williams* (Bransfield) arrives to survey the Islands.[141]

"Bransfield first examined and roughly charted the northern coasts of the island from New Plymouth (Livingston Island) north-eastwards to North-Foreland (King George Island). After rounding the foreland, he anchored for 5 days in King George Bay, which he named; here he carried out further charting at a larger scale and, on 22 January, repeated the ceremony of taking formal possession on the new land." [142]

January 22nd, in the South Shetlands, Edward Bransfield goes ashore.

> *"(January 22nd, 1820). . . . As soon as every thing was secure, we hoisted the boats out, manned and armed the whale-boat, and after breakfast Mr. Bransfield proceeded in her to effect a landing, where he might plant the Jack, and take possession of it by the name of New South-Britain in the name and behalf of HM George III, his heirs and successors. At eight o'clock, observed the boat land on a shingle beach which bore from the brig N.N.W.; observed soon after, with the aid of our glasses, the Jack planted; we hoisted on the brig our ensign and pendant, and fired a gun; he likewise buried a bottle, containing several coins of the realm, given by different people for the purpose."* [143]

---

138 *John Quincy Adams to John B. Prevost July 10, 1820*. Artigas was the leader of the Banda Oriental which had declined to join the United Provinces. The Banda Oriental was in conflict with Brazil, with Artigas issuing corsair licences for the capture of Brazilian/Portuguese ships. Under the Buenos Airean regulations a corsair ship should only have carried one licence, but the rules were rarely enforced. The cause of some speculation, there is no clear evidence that Jewett carried an Artigas letter of marque.

139 *Falklands or Malvinas* Conrado Etchebarne Bullrich 2000 p.93. My emphasis Without original documents, this author is speculating. There were convicts serving as sailors aboard the ship however. Common practice to offer amnesty at the prisons when men were needed.

140 Pascoe 2020 (2). See February, 1821, below.

141 William Smith remained onboard as pilot. The ship and surveying party worked until March 18, 1820. *cf.* 1908

142 Hattersley-Smith 1991

143 Journal of the brig *Williams* quoted in the *Literary Gazette* November 3, 1821. The *Literary Gazette* actually named George IV, as George III had died on January 29, 1820, a week after Bransfield's claim. See December, 1821 below.

On the same day, a Buenos Airean polacca, *San Juan Nepomuceno* (Capt. Carlos Timblon), joins *Esperito Santo* and *Hersilla* at the South Shetlands. [144]

"... at least 144 ship-based sealing expeditions worked in the South Shetland Islands between 1819 and 1827, 120 of them in the first three seasons 1819-22. The ships in the 1819-22 seasons took a minimum of 300,000 fur seal skins (as indicated in the incomplete historical documents), and perhaps as many as 800,000 to 900,000 skins. There is no estimate of the total amount of elephant seal oil obtained." [145]

In the Banda Oriental, the battle of Tacuarembo secures Portugal's dominance over the eastern bank of the Rio de la Plata. Brazillian ships blockade the river preventing access to Buenos Aires.

January 27th, Fabian von Bellingshausen sights an ice shelf. [146]

"Although it is probable that Bellingshausen had seen parts of the continental mainland in Dronning Maud Land of 27 January 1820, there is no evidence in his original records that he recognised that what he saw was land." [147]

Jane (James Weddell) searches for the mythical Aurora Islands. [148]

"James Weddell, Master, RN, commanded the sealing brig Jane of Greenock ... at a time when he was on naval half-pay, following the end of the Napoleonic wars. Of the first voyage, to the South Shetlands in 1819-21, no detailed record survives; it was a financial failure." [149]

January 30th, Edward Bransfield (*Williams*) discovers the Antarctic Peninsula. [150]

"To the south of these islands (South Shetlands group) he (Bransfield) charted "Trinity Land partly covered with snow" (part of what is now Trinity Peninsula), east of which the land was obscured by fog. But his chart shows a dotted line marked "Supposed Land Lost in Fog" extending from Trinity Island to the mainland in long. c. 57°30'W., where a further stretch of coast is shown with a firm line and noted inland as "High Mountains covered with Snow", in the vicinity of the later named Mount Bransfield. This last discovery, made on 30 January 1820, constitutes the first definite charting of any part on the Antarctic mainland." [151]

February 1st, at Buenos Aires, Juan Pedro Aguirre is appointed Supreme Director. Unitarian and Federal forces fight for control at Cepeda.

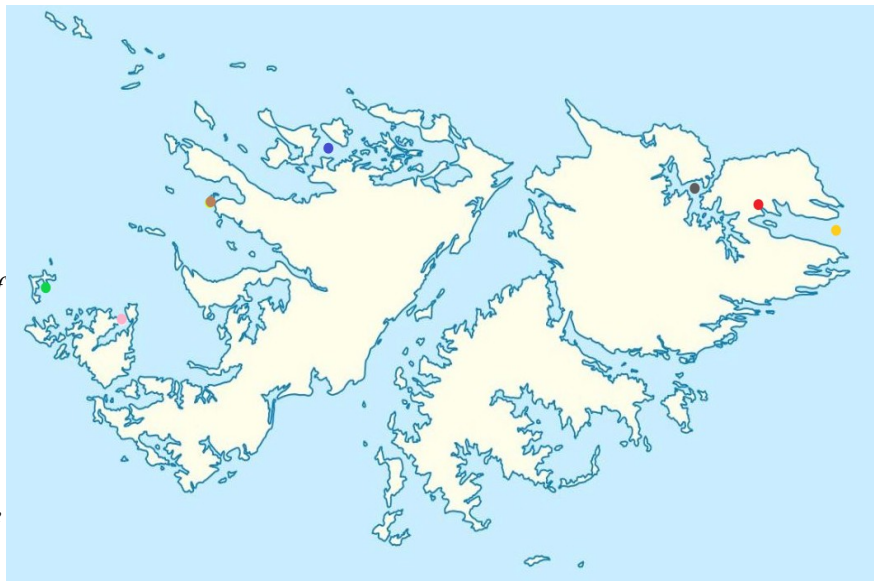
"In 1820 the cause of the unitarists suffered a severe setback at Cepeda, where they were defeated by the federalists. Thereafter little progress toward unity was made for several years because the various provincial leaders did not sincerely wish to see the establishment of any form of strong national government. Between 1820 and 1824, the dozen "United Provinces" went their separate ways, ..." [152]

February 11th, Juan Pedro Aguirre resigns as Supreme Director.

144 One year later, there were 44 sealing ships.
145 *Charting the Sealing Islands of the Southern Ocean* Michael Pearson 2016 p.21
146 Likely to have been attached to the area now known as Queen Maud Land, this sighting has become regarded as the first of the Antarctic continent.
147 Hattersley-Smith 1991
148 Pascoe 2024 2nd edition vol.1
149 Hattersley-Smith 1991 p.17
150 The tip of what is now known as Graham Land.
151 Hattersley-Smith 1991
152 Craine 1961 p.54

February 14th, at the Falklands, on entering Berkeley Sound the French corvette *Uranie,* founders on a rock. [153]

"At 11pm, when in the proximity of Penguin [Hog] Island, we were overtaken by calm [and decided] to anchor,... Despite the efforts of the crew and the working of all our pumps, the water had already reached the height of the orlop deck... fear of seeing the corvette sink persuaded me to slip the cable... to stand in for the sandy cove... therefore at 3am the Uranie reached the inevitable termination of her voyage, at the place we have so properly named the Anse de la Providence!" [154]



"Commodore Freycenet (sic) had performed a voyage of science almost round the world, and after having spent nearly three years, was returning home when this distressing accident happened. ... the crew got safe to land." [155]

"To cap it all, the wind changed against them, forcing them to tack slowly into the Sound, pumping desperately all the while.... Freycinet ran the ship ashore, doing his best to get the hold starboard side to face landwards. But the wind was too weak and the ship too sluggish – she swung portside on to the shore as she struck ... It was just after 3 a.m. On the morning of 15 February 1820." [156]

February 15th, with everyone safe, *Uranie*'s crew make camp near their crippled ship. [157]

February 16th, in Buenos Aires, the National Congress is dissolved. General Francisco Ramirez unites the provinces of Entre Ríos and Corrientes into the Republic of Entre Ríos, while Bernabé Aráoz announces the Federal Republic of Tucumán.

"... in the year 1820, hope was entirely extinguished. Very early in that year a revolutionary movement took place against the supreme authority of the country, having been fostered chiefly by resistance to the project of France for the coronation of the prince of Lucca. This produced a general dislocation; and the nation subdivided itself into as many states as there are provinces, each assuming the form of a sovereign independent body..." [158]

153 On the image above), the gold dot indicates Berkeley Sound. Red dot is Port Louis/Puerto de la Soledad. Black dot Port Salvador. Blue dot is Port Egmont. Brown is Bense Harbour. Pink is Weddell Island. Green is New Island.

154 Account of Louis de Freycinet quoted in *The Uranie site(s): Report of an inspection and the context of the survivor's camp, wreck and wreckage emanating from the loss of La Corvette du Roi L'Uranie at the Falkland Islands in 1820* Dr. M. McCarthy 2002

155 Weddell 1825. The journal of Rose de Freycinet refers to the location as French Bay.

156 *The Falklands Saga* Graham Pascoe 2022 vol.1 p.408. A full account can be found in Pascoe's tome pp.405-425

157 McCarthy 2002.

158 *Nuñez to Parish June 15, 1824*

"... a State of Confusion and Disorganisation arose in 1820, which threatened annihilation to all hopes of the Establishment of any permanent System of Order;.. a Reign of Anarchy in Buenos Ayres, the General Government was broken up, and the Military Chiefs by turns assumed the directing authority:- The Provinces became alarmed at their own disorganized State:- they separated from each other, and assumed each the attitude best calculated for the maintenance of its respective independence:-..." [159]

"The authority of Buenos Aires was long disputed even by her sister provinces. Hence the "Years of Anarchy" (1816-1829). And if the term "Government of Buenos Aires" is here used it is for convenience." [160]

".., there is no continuity between the colonial state that existed before 1810 and the incipient Argentine state born in 1810. ... the "national" (i.e. pan-viceregal) institutions had completely disappeared by 1820. As a consequence of the civil war of that year, the old Intendancy of Buenos Aires, which had a very large and imprecise territorial jurisdiction, was extinguished and a new entity, the province of Buenos Aires, emerged with a much more limited territorial jurisdiction, which would interact with the other provinces basically as a peer. .., unlike Brazil or Chile, in Argentina colonial institutions survived only at the provincial and municipal level. Between 1820 and 1860 there was a real balkanization. The state that emerged in 1860 was a new political entity without continuity with the old colonial state. Obviously, this does not mean that there were no cultural and economic continuities. But between 1820 and 1860, or at least between 1820 and 1852 (the date when the amalgamation process began, with the fall of Rosas and the emergence of an Argentine Confederation that was at war with Buenos Aires), ***there was no nation-state that could be called Argentina****. ..."* [161]

February 18th, Manuel de Sarratea takes charge as Governor in Buenos Aires.

February 22nd, at South Georgia, British sealer *Indispensible* hunts for seals.

March 6th, Sarratea is replaced by Juan Balcarce; who is replaced 5 days later by – Manuel de Sarratea.

"An atmosphere of unreality surrounds many of the events of the decade 1820-1830. In the evolution of the Argentine national organization, these years are characterized by both anarchy and the assertion of local independence, the beginning of a long and bitter struggle between the 'centralists' at Buenos Aires and the 'federalists' of the provinces." [162]

"The Revolution, which, proudly, never retreated before the royalists, seemed incapable of founding a new order and collapsed in the whirlwind of the fateful year of 1820." [163]

March 19th, at the Falklands, a shallop *Penguin* (?) from the *General Knox* (Orne), discovers the wreck of *Uranie* and the survivors' camp. Freycinet requests that Capt. Orne be informed, so that a rescue can be organised. The shallop, with a French officer on board, sets out to find Captain Orne.

March 21st, from the port of Buenos Aires, Colonel David Jewett, commanding the privateer *Heroina* and its crew of 200, sails out into the Atlantic Ocean. [164]

---

159 *Parish to Canning June 25, 1824* in *FO 6/4*
160 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
161 Escudé 2008. My emphasis.
162 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
163 *Queridos enemigos: De Beresford a Maradona, la verdadera historia de las relaciones ingleses y argentinaos* Ema Cibotti 2006 p.62
164 Worthy of note, in light of subsequent events, that when Jewett sailed he knew full well that there was no United Provinces. Not of South America, nor of the Rio de la Plata. Central government had collapsed and with it any semblance of a nation.

"The necessity for having an effective crew, and the impossibility of getting men of good characters, had induced him to take some out of the common prison." [165]

March 28th, in the Falklands, Capt. John Galvin in *Mercury*, sails into Berkeley Sound.

> *"The Mercury … dropped anchor. The American informed us that he was flying the flag of rebels in whose service he was and that the purpose of his voyage was to transport cannons to Valparaiso."* [166]

Speaking to Capt. Galvin, Freycinet initially finds him unwilling to abandon his employment.

March 29th, at the harbour of Port Egmont, *Penguin* arrives to find *Jane* (Weddell) at anchor there. [167]

The officer commanding *Penguin* goes aboard *Jane* and speaks to Capt. James Weddell; but does not inform him of the *Uranie*'s survivors camped in Berkeley Sound. Unaware, the French officer remains aboard *Penguin*. [168] *Penguin* sails on to West Point Island where the *General Knox* is at anchor.

Weddell also sails round to West Point Island, where he first hears of the *Uranie* wreck. Speaking to the French officer, Orne is not immediately prepared to break off from his own venture but agrees to sail to Berkeley Sound to negotiate directly with Freycinet.

April 2nd, at Berkeley Sound, Orne and Weddell arrive in one of *General Knox*'s shallops, *Governor Brooks*.

April 4th, following two days of bad weather which prevents a meeting, Freycinet finally hears Orne's terms for a rescue – 50,000 pesos.

April 11th, south of Buenos Aires, Jorge Pacheco's saladero fails to turn a profit. Creditor Luis Vernet, enters into a further agreement with Pacheco. [169]

"The company, however, went from bad to worse; Vernet (had) continued to provide resources which, in April 1820, amounted to two thousand pesos, (hence the) reason why on the 11th of that month they decided to normalize this annoying issue through an agreement by which Vernet promised to meet the needs of Pacheco's family "for as long as he was in destitution until he got something from the Government that is debtor of more than one hundred thousand pesos". Pacheco, for his part, was obliged to give him half of what he obtained from the government." [170]

April 13th, in Berkeley Sound, Galvin offers to take all of Uraine's crew to Buenos Aires for 10,000 pesos or Rio de Janeiro for 15,000. [171]

---

165 Weddell 1825

166 Quoted in McCarthy 2002 citing Rose de Freycinet's account. Weddell described *Mercury* as a '*patriot*' vessel. The image is entitled *Port St. Louis 1820* and is part of the Freycinet Collection

167 Having abandoned the search for the Aurora Islands, Weddell probably arrived in the Falklands in February, 1820.

168 Full account in Pascoe 2024 vol.1. With the prospect of a profit, Orne's crew were keeping things close to their chest.

169 See August, 1819 above.

170 Caillet-Bois 1982 (6th ed.) p.192. Quite how such a large sum had come to be owed to a mere captain has, surprisingly, never been explained. Nor why Pacheco would agree to hand over 50,000 for a debt of 2,000. Pacheco died in 1833 without ever receiving any money from Buenos Aires. In 1835, Vernet applied for half of that owed; a request apparently approved by a judge. However, it is not known whether Vernet ever received it. See 1823.

171 Which increased to 18,000 the next day. See Pascoe 2024 vol.1

April 20th, Freycinet accepts Galvin's offer.

One of Freycinet's crew sketches the ruins of Spain's Puerto Soledad presidio site (right). [172]

Believing that the remains of *Uranie* are to be burned, Orne seeks Freycinet's permission to salvage what he can.

> *"But Louis does not wish to burn anything nor allow anything to be taken, not knowing whether the (French) Government will send a rescue party to salvage all those objects, many of which, such as anchors, cannons, masts, etc, are very valuable. He is going to reply that unless he wishes to pay for it, the captain has no right to take away this material. I believe that he has no intention of purchasing anything whatsoever and his conscience will be lax enough for him to return after our departure and brazenly take what has been refused him."* [173]

April 18th, in Spain, a new Council of State decides to put the La Plata expedition plans on hold.

April 20th, in the Falklands, British whaler *Sir Andrew Hammond* (Hales) sails into Berkeley Sound.

April 25th, Freycinet speaks to Weddell and offers him *Uranie*'s rigged boat, which the British captain accepts.

> *"He appeared to be very grateful and told us that, out of greed, Captain Orne had concealed the tragedy which had befallen the Uranie... I have heard that he asked what my name was and has called this small sloop The Rose."* [174]

April 27th, after arranging for dispatches to be taken to the French Embassy in London by *Sir Andrew Hammond* (Henry Hale), Freycenet, his crew and passengers from the *Uranie*, depart aboard *Mercury*. Bound for Rio de Janeiro. [175]

May 21st, at Stonington in the USA, *Hersilia* arrives back with 8,868 seal skins valued at over $22,000.

June 20th, Buenos Aires sees the rise and fall of three governments in a single day.

"Zinny, in his history of the Governors of the Argentine Provinces, gives a list of twenty-four successive Governors of the Province of Buenos Aires during the year 1820, and then, unable to complete the list, takes refuge in an 'etcetera'. ... One day, June 20, brought three successive Governments." [176]

July 5th, at Washington DC, John Murray Forbes is appointed as the US *Agent for Commerce and Seamen in the Province of Buenos Ayres*. John Quincy Adams instructs Forbes to address the problem of privateers.

> *"... Buenos Ayres and Chili (sic) ... Having no ships or seamen of their own, they have countenanced and encouraged foreigners to enter their service, without always considering how far it might affect*

172 Part of the Freycinet Collection.

173 Journal of Rose de Freycinet. Some items were subsequently ditched into the sea as Galvin considered his ship overloaded, once Uranie's crew, passengers, stores and rescued research materials had been taken aboard. Meanwhile, a few members of Orne's crew had already started to loot *Uraine*.

174 Journal of Rose de Freycinet quoted in McCarthy 2002.

175 During the voyage, Galvin sold the ship to Freycinet for an additional 2,000 pesos.

176 *A History of the Argentine Republic* F. A. Kirkpatrick 1931

either the right or the duties of the nations to which those foreigners belonged. The privateers which, with the commissions and under the flag of Buenos Ayres, have committed so many and such atrocious acts of piracy, were all either fitted out, manned, and officered by foreigners, at Buenos Ayres, or even in foreign countries, not excepting our own, to which blank commissions, both for the ships and officers, have been sent..." [177]

July 11th, in Britain's House of Commons; "*... Dr. Lushington argued the broad principle, that England ought to recognize immediately and fully the independence of Buenos Ayres.*" [178]

From Nantucket, *Harmony* (Thomas Ray) sails for the South Shetland Islands.

July 27th, in the Atlantic Ocean, off the coast of Brazil, *Heroina* attacks a Portuguese ship, the *Carlota*.

"... we got sight of a heavy ship of war or strong armed ship at 10 o'clock in the morning and immediately made all sail in chase, which from the near equality of sailing, we were unable to come up with, until after midnight....

On coming up with the chase, the weather being clear moon-light, we being to windward and within half musket shot, she from appearances confirmed the first opinion that she was a ship of war. At this moment and before hailing, she fired a shot, which passed between the foremast and bowsprit end. Then hailed her several times, to which at length received an indistinct answer, by some understood "Portuguese."

I ordered him to send an officer and boat on board, which being repeated several times, and as often refused, I found it necessary to enforce the demand and assured him both in Spanish and English, that unless he complied I should fire into him, and being again refused, I ordered Lieut. Edwards to fire from the Fore Castle of the upper deck one gun across his fore-foot elevating the same, which was accordingly done, and as soon as fired, was returned from the ship with a full broadside of round grape and langrage and musketry and repeated with a brisk fire, being then within a short pistol-shot distance – I ordered the batteries to be opened upon her which was continued for the term of fifteen minutes close action, when she was silenced for the space of two or three minutes – hearing cries and groans on board of her, I immediately ordered a cessation of firing, supposing her to have struck, when she directly resumed the action, then at half pistol-shot distance which I as soon returned with two broadsides, when they cried for quarter, stating that they had struck on which I despatched Lieut. Edwards and the necessary officers and men to take charge for the night; she proved to be, as you will perceive by the documents herewith presented, the ship Carlotta of 22 heavy guns besides small arms with a crew of 62 men and 14 passengers from La Bahia..." [179]

"... in capturing a neutral ship, Jewett left the path of legality and became a pirate. From then on, all his acts were illegal; it was not possible to commit piratical acts and remain a legal privateer. Pirates were subject to "universal jurisdiction" – they were hostis humani generis ["an enemy of the human race"], so that any court, in any country, was entitled to punish them and to confiscate their ship." [180]

July 31st, from Stonington, *Hero* sails for the South Shetland sealing grounds.

---

177 *John Quincy Adams to John Murray Forbes July 5, 1820*

178 Manning 1925 vol.3

179 *Jewett to the Supreme Director February 1, 1821. Carlota* was en-route to Lisbon. Langrage was a cannister of shrapnel. Buenos Aires was not at war with Portugal, so this was an act of piracy.

180 Pascoe 2020 p.61

August 4th, From Nantucket, *Huntress* (Christopher Burdick) sails for the South Shetland Islands.

August 19th, aboard *Heroina*, a conspiracy to mutiny is uncovered. Following a swift court-martial, Jewett executes two officers and four sailors. [181]

"Some of his crew complained that they had not come to wage war on the Portuguese flag and began to plot against him, whereupon he had several men shot on deck for mutiny..." [182]

In early **September**, Colonel Jewett orders both *Heroina* and *Carlota* to sail for the Falkland Islands.

"... in September 1820, Jewett decided to head back to the Falklands to pursue his official mission, and allow his crew to recover." [183]

"... many of his crew were sick with scurvy and men were dying, so in desperation he decided to sail further south to the Falklands, where his crew could recover but could not desert him." [184]

September 20th, in Buenos Aires, General Martín Rodríguez takes command. Bernardino Rivadaia is appointed Minister of Government and Foreign Affairs. Manuel José García is appointed Minister of Finance.

"In 1820 there were 23 changes of government in Buenos Aires,..." [185]

"... Martin Rodriguez offered to Pacheco compensation for what the State owed to him, the usufruct of the wild cattle existing in the Malvinas Islands." [186]

"The House of Representatives appointed General Martín Rodríguez, who also had the support of Rivadavia and Tomás de Anchorena, a former merchant turned landowner and Rosas's cousin. Dorrego's supporters attempted to disavow this appointment and took up arms, but were defeated by the rural militias of Rodríguez and Rosas. Curiously, these militias included English deserters in their ranks, known as "colorados" (reds), after the color of the poncho or cape they wore, the same color that had been prominent on the uniforms of the Scottish army, the famous 71, during the English invasions. With the appointment of Martín Rodríguez, the anarchy that had swept through ten governors between February and September ended." [187]

"After months of upheaval, the situation stabilised towards late 1820. In Buenos Aires, now a self-governing province, General Martín Rodríguez, a cattle rancher and Indian fighter, became governor." [188]

October 17th, at the Falkland Islands, US sealers *Hero* and *Express* anchor in Berkeley Sound. [189]

---

181 Weddell 1825 p.110. It may have been 6 sailors, reports differ.

182 Pascoe 2020 p.61

183 Bullrich 2000 p.94. Jewett's only known 'official mission' was privateering.

184 Pascoe 2020 p.62. Crew members of sealers and whalers deserted in the Falklands regularly, changing ships or opting to go sealing on their own behalf. If this was Jewett's reasoning, then he knew very little about life in the archipelago. It may have been that, having failed to find Spanish prey on the high seas, he thought that perhaps the only remaining Spanish port in the south Atlantic (albeit abandoned in 1811) – Puerto Soledad – would offer better opportunities.

185 Headland 1989

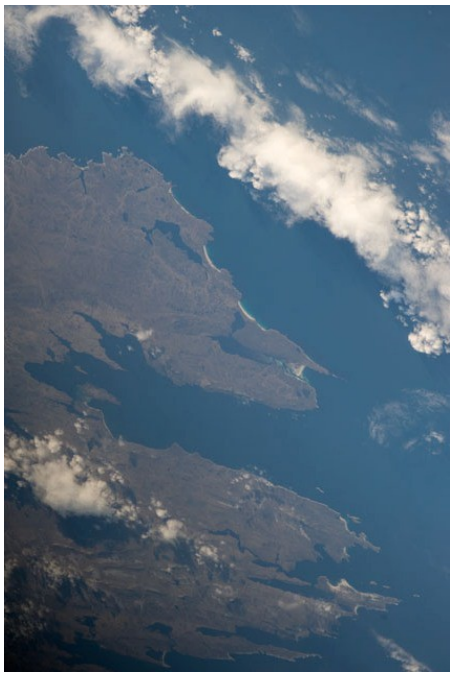
186 Caillet-Bois (6th ed.) 1982 p.192. Caillet-Bois stated that, in late 1820, and in recognition of a debt owed by the Government, Rodríguez suggested to Jorge Pacheco that, in lieu of that debt, he accept a *usufruct* (licence) to hunt the wild cattle in the Falkland Islands. Caillet-Bois asserts that this suggestion held no appeal until 1823 when Pacheco's business partner, Luis Vernet, persuaded him to take up the offer. If Caillet-Bois is correct, then this would suggest that the Falklands had been a consideration in 1820 and provide some circumstantial support to the supposition that Jewett was given an instruction to go to the Islands. Caillet-Bois's interpretation is disputed and yet General Martín Rodríguez's name appears time and time again in connection with the Falkland Islands during the 1820s. *cf.* August, 1823

187 Cibotti 2006 p.68

188 Rock 2018 p.50. Rodríguez had fought the British in Buenos Aires 1806/07.

189 *Hero*, a 47-foot long 'sloop' was commanded by 21-year old Nathaniel Brown Palmer. *cf.* Pascoe 2022 vol.1 pp.433-434

Other arrivals at the Falklands include *Frederick, Free Gift* and *Essex*.



October 20th, *Hero* (Palmer) sails for West Point Island, on the far side of West Falkland.

October 23rd, approaching the Falklands, *Heroina* and *Carlotta* run into a storm.

> *"... we encountered a very violent Gale from N.W. To W. during which we entertained much apprehension for the safety of both vessels, and in the height of the gale lost sight of the Prize, since which I have no intelligence of her..."* [190]

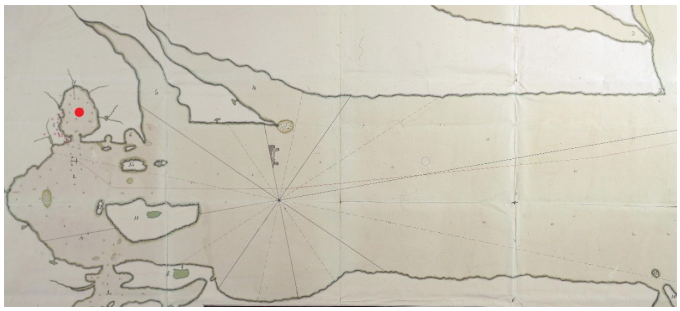
October 24th, at the port of Buenos Aires, US agent, John Murray Forbes, arrives; *"His instructions charged him to bring to a satisfactory conclusion the problem of privateers."*[191]

October 26th, *Hero* returns to Berkeley Sound to find *Emeline, Express* and *Catherine* there. [192]

October 27th, during the day, *Hero, Express* and *Frederick* sail from the Falklands for the South Shetland Islands; where *Hersilia* has already arrived after a voyage from Stonington of 85 days. [193]

In the evening, *Heroina* enters Berkeley Sound.

> *"The state of the Heroina on entering this port cannot be adequately described and scarcely imagined. Only ten effective seamen calculated to do the duty.., to attend the sick, the dying, and to bury the dead – without the most distant hope of relief, but from the salutary effects of the fresh earth, and a partial cessation from the heavy duty of working the ship through a series of tempestuous weather and severe cold, the fatigue of which, helped on by despondency, from witnessing the rapidity of the hand of death, increased by terrors, and sufferings from the violence of the weather – left me all but abandoned – in this situation I entered the Bay of this port on the 27th (civil) day of October, 1820, at the close of the same. Finding myself in a situation to bring the ship to an anchor, and unable to reach the port, I ordered it to be done, being then about ten miles distant from the ancient town of Soledad."* [194]



190 *Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2.* Wherever *Carlotta* had gone, the prize crew had gone too. Foundered or fled, there is no evidence either way.

191 Craine 1961 p.105

192 These vessels appear to have remained in Berkeley Sound for less than 24 hours. The image of Berkeley Sound is from Google Earth.

193 *Public Ledger & Daily Adviser June 12, 1821*

194 *Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2*. Port Louis to the French (1764-1767), Puerto Soledad to the Spanish, and indicated by the red dot on this Spanish map of 1767. Jewett anchored some 10 miles from there. Exact location unknown.

"... he found more than thirty sail of vessels engaged there in the seal fishery, besides others which were recruiting the health of their crews after whaling or sealing voyages in the Antarctic regions." [195]

"When Jewitt arrived at La Soledad, he found disseminated in the Islands, more than 50 foreign Vessels. I will name some of them:- ENGLISH – Ship, Indian, Capt. Spiller, from Liverpool[196]*; Brig, Jane, Weddle, from Leith; do., Hette (sic), Bond, from London; do., George, Richardson, from Liverpool; Cutter, Eliza, Powell, Liverpool; do., Sprightly, Frazier, from London. AMERICAN – Ships, General Knox, Eucane*[197]*, Newhaven, and Governor Hawkins; Brigs, Fanning and Harmony; Schooners, Wasp, Free Gift, and Hero*[198] *- from New York and Stonington..."* [199]

"The number of vessels of various nations then on the coasts of the islands were not less than fifty, the majority of which were from the United States." [200]

"The accounts by Palmer, Jewett and Weddell all make it clear that when Jewett arrived, Berkeley Sound was deserted – he and his crew were on their own." [201]

October 28th, alone in Berkeley Sound, Jewett considers his situation.

> *"Under the dilapidated state in which I found the remains of this once hospitable place, I was compelled to form tents with the shattered sails of my ship, to shelter the sick which was done as easily and early as possible. I was enabled to reach a safe anchorage for my ship, when on landing the sick and affected, the sudden change of air, and effect of the earth, gave an equally immediate termination to the existence of many, and relief to others. The limited resources for vegetable supplies, and the laborious exercise of the chase gave but a partial refreshment to the sick and those able to do duty."* [202]

October 31st, in the north-east of the Falklands, the American schooner *Huntress*, commanded by Captain Burdick, anchors at Bense Harbour.

November 2nd, moored at Port Salvador, *Jane's* captain, James Weddell, receives a letter from Jewett. [203]

---

195 *Narrative of the Surveying Voyages of His Majesty's Ship Adventure and Beagle between the Years 1826 and 1836... Vol. II Proceeding of the Second Expedition, 1831 – 1836, ...* R. Fitzroy 1839. This needs to be treated with circumspection. Fitzroy was not there and it would be another 13 years before he saw the archipelago. His source is not known. There were vessels anchored around the archipelago certainly, but more than 30? Unlikely.

196 One report places *Indian* at Valparaiso on November 28, 1820 which makes it unlikely that she was at the Falklands.

197 *O'Cain*?

198 *Hero* had sailed for the South Shetland Islands before the arrival of *Heroina*.

199 *Report of the Political, and Military Commandant of the Malvinas (Informe del Comandante Politico y Militar de Malvinas)* L. Vernet 1832. Again, to be treated with circumspection. When the *General Knox* left she took 5,000 Fur Seal skins and 600 barrels of Elephant Seal oil. *Hetty* took 15,000 Fur Seal skins back to the UK, while *Sprightly* carried 9,200.

200 *The Falkland Islands, a Memoir, descriptive, historical, and political* R. Greenhow 1842. No source cited.

201 Pascoe 2020 (2). Weddell only mentioned that there were 'several' ships in the area

202 *Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2.* Seemingly, Jewett was expecting to find more than he did, which again points to an inadequate knowledge of the situation in the Islands in 1820. The "chase" would suggest hunting parties. Jewett was an experienced captain, and would also have wanted to know who and what was in the area of his ship. Some reconnoitring seems likely.

203 Difficult to grasp. Jewett arrives on the 28th with a ship's crew of which many were sick and dying, and five days later he is laying claim to an archipelago on behalf of a country that had collapsed before he had sailed from it. From the available evidence, of which there is little, Weddell's ship would seem to be the only recipient of this particular letter. Indeed, if Weddell had not written about these events in his book of 1825, none of this would be known as Jewett never mentioned any of it in his final report to Buenos Aires.

"National Frigate Heroina at Port Soledad:

Sir, I have the honour to inform you of the circumstance of my arrival at this port commissioned by the supreme government of the United Provinces of South America to take possession of these islands in the name of the country to which they naturally appertain. In the performance of this duty it is my desire to act towards all friendly flags with the most distinguished justice and politeness.

A principal object is to prevent the wanton destruction of the sources of supply to those whose necessities compel or invite them to visit the islands, and to aid and assist such as require it to obtain a supply with the least trouble and expense.

As your views do not enter into contravention or competition with these orders, and as I think mutual advantage may result from a personal interview, I invite you to pay me a visit on board my ship, where I shall be happy to accommodate you during your pleasure. I would beg you, so far as comes within your sphere, to communicate this information to other British subjects in this vicinity. I have the honour to be..."[204]

"Jewett's commission did not order him to go to the Falklands, and whatever he may have told Weddell or others, there is no evidence that he was commissioned to take possession of the Falklands. The idea is illogical; he was a privateer looking for Spanish prizes, to help the United Provinces in the war with Spain while making a profit for Patricio Lynch and partners." [205]

Capt. Weddell walks the 7 or 8 miles from Port Salvador to Berkeley Sound, to find the *Heroina*.

"Captain Jewitt received me with great politeness, and not withstanding the mutilated and worn out state of his crew, he assumed an air of power and authority beyond my expectation. He told me his business was to take possession of the Falkland Islands for his government, and that everything necessary for an establishment would be procured from Buenos Ayres so soon as he could purchase a cutter, of which there were several among the islands. It evidently appeared, however, that his principal business was to refresh his crew; for never, since the time of Lord Anson, perhaps, had an instance occurred where the scurvy had been so destructive to a ships company." [206]

November 3rd, Weddell helps Jewett move the *Heroina* to a more suitable anchorage at Fort St. Louis/Puerto Soledad.[207] The scurvy ridden sick are billeted in the surviving bakery, under a sail-cloth roof. Weddell spends the night aboard *Heroina*.

November 4th, Weddell returns to his ship, which he then sails around to Berkeley Sound.

November 6th, at the old Spanish garrison site, Col. Jewett holds a ceremony with his officers drawn up in line to witness the raising of a flag and the reading of a declaration. [208]

"In a few days, he took formal possession of these islands for the patriot government of Buenos Ayres, read a declaration under their colours, planted on a port in ruins, and fired a salute of 21 guns. On this occasion the

204 Weddell 1825. Pascoe (2024 vol.1) notes that Wedell's manuscript contained no commas in the first sentence. José María Rosa, a 20th century Argentine and Peronist revisionist historian, asserted that Jewett's orders came from Manuel de Sarratea; Governor of Buenos Aires at the time that *Heroina* sailed, but no evidence for this was provided.

205 Pascoe 2020 p.63

206 *Ibid*. See the footnote to June, 1815 for a discussion on the spelling of Jewett/Jewitt.

207 The site originally founded by the French in 1764, and then renamed by the Spanish in 1767.

208 The officers, apparently, being the only ones sufficiently well-fed to be able to stand.

officers were all in full uniform, being exactly that of our navy, which but ill accorded with the dilapidated state of the ship; but ***he was wise enough to calculate the effect of such parade****,* ***upon the minds of the masters of ships*** *who were in the islands;…"* [209]

"Recently they (the Falklands) have been taken possession of, in a formal manner, as belonging to the United Provinces of South-America." [210]

"In 1820, the Government of Buenos Ayres took formal and solemn possession of the Malvinas, in the person of the Colonel of its navy, Mr. Daniel Jewitt. When Jewitt arrived at La Soledad, he found disseminated in the Islands, more than 50 foreign Vessels. … All these Vessels were engaged in the Seal-fishery, and they even killed on the Islands the Cattle which had been carried there from Buenos Ayres by the Spanish. In the presence of these Vessels anchored in the Port of La Soledad, Jewitt took possession, firing a salute of 21 guns, with the artillery which he landed. He treated them all with urbanity, and notified to them in writing the fact of the Republic having taken possession, and the prohibition to Fish on the Islands, or kill Cattle thereon, under the penalty of detention, and the remission of the Infringers to Buenos Ayres to be tried " [211]

"… this national vessel of Buenos-Ayres was a common pirate infesting the high seas, and of the same character with those of the Barbary States, and incapable of securing to that nation, by any act, any of those rights which are regarded as legitimate, by nations.." [212]

"The guns of a pirate announced the sovereign rights of the Argentine Republic! The ceremonies might have been rendered more appropriate and the act, by burying a chest of money with its usual accompaniments.!"[213]

"In 1820, a Buenos Ayrean Man of War called the Heroinde (sic), took formal possession of these Islands, at Port Louis; the Heroinde had been at sea for a length of time, her crew had been in a state of Mutiny, they were very Sickly, and she was a mere wreck on her arrival; It is doubtful whether her Captain was authorised by his Government to take possession of the Islands, or whether it was not a ruse of his, to assume an authority over some Sealing Vessels…" [214]

"In 1820 the government of Buenos Aires entered in formal and solemn possession of the Solidad (sic) of Malvinas, as successor in the rights of the Crown of Spain by virtue of its Independence, and that act of possession (was by) marine colonel Daniel Jewitt." [215]

"… the abandonment by Spain of the Falkland Islands, which were thus left uninhabited for some 10 year, results in the consequence that they must be regarded as having during this period, become terra nullius. Any claim, therefore, by the Argentine to found a title to the Falklands upon the doctrine uti possidetis cannot, in our view, be sustained; since the Falklands were not part of the Spanish Dominion…" [216]

---

209 Weddell 1825. My emphasis.

210 *Memoir, Descriptive and Explanatory, to accompany the new Chart of The Ethiopic or Southern Atlantic Ocean, with the Western Coasts of South America, from Cape Horn to Panama. …* J. Purdey 1822 p.33

211 Vernet 1832. An embellished version of Weddell.

212 *Baylies to US Secretary of State Livingston 1833* quoted by Pascoe & Pepper in *The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981* D. Tatham (ed.) 2008 p.311. For Baylies, see 1832.

213 *Voyage of the United States Frigate, Potomac...* J. N. Reynolds 1835 p.512

214 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in *ADM 1/43*

215 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887 pp.201-278. Probably based on Vernet's 1832 report.

216 Opinion of the Law Officers 1947 in *LCO 2/490.* Original emphasis. *cf.* December, 1946, January, 1947 & 1966.

"If Argentina acquired sovereignty over the Falklands in 1820, therefore, as the act of formal possession purports to claim, it cannot be by transfer from Spain, but only by occupation, the only other of the accepted modes of acquiring sovereignty open to it at the time. ... What is directly relevant is the question of whether the islands were res nullius. For this it would not in any way be sufficient to show that there had been an act of dereliction by Britain, which as we have seen cannot be proved, and which is denied by British publicists. It would also be necessary to prove that there had been an act of dereliction by Spain. There is no evidence that this is the case. Indeed, Spain's refusal to recognize the new state of affairs in the Americas, and in particular her attempt in the 1820s to reconquer the Rio de la Plata itself, is strong supporting evidence to the contrary. If, therefore, Spain was the sovereign power in the Falklands in 1811, it was still the sovereign power in 1820, and, for that matter, in 1833, for the brief period of Argentine occupation was much too short to enable Argentina to gain a title by prescription, even in the absence of Spanish protests. ... it must be stated as a matter of historical fact that in 1820 'Argentina' simply did not exist, and the 'United Provinces' were wholly disunited. ... in claiming sovereignty over the Falklands in 1820, Colonel Jewitt acted effectively not on behalf of the Government of the United Provinces, since it did not exist, but the municipal government of the province of Buenos Aires. ... The point is, however, that in no way can we regard its colonial jurisdiction as having extended to the Falklands, and consequently this act was invalid." [217]

"... Jewitt had publicly claimed possession in the name of Argentina, whose government could later confirm or deny his claim The government would confirm Jewitt's claim." [218]

"After the Spanish withdrawal in 1811, these facilities were again occupied, and activity continued in Puerto Soledad, starting in 1820, through resolutions adopted by the new government in Buenos Aires and provisions provided and furnished from there." [219]

Unconvinced by the ceremony, James Weddell believes that the Colonel is more interested in gaining undisputed salvage rights to the wreck of the *Uranie* – the remaining equipment on which he needs to repair *Heroina.* [220]

"... as he had laid claim to the wreck of the French ship before mentioned to the entire exclusion of several vessels which had arrived, bound to New Shetland, he was aware that an authoritative appearance was necessary. In fact he struck such a terror on the minds of some ship-masters, lest they should be captured or robbed, that one of them proposed taking up arms against him..." [221]

"Captain Weddell ... ridicules the whole proceeding; insinuating his belief, that Jewitt had merely put into the harbour in order to obtain refreshments for his crew, and that the assumption of possession was chiefly intended for the purpose of securing an exclusive claim to the wreck of the French ship Uranie..." [222]

---

217 *Sovereignty and the Falklands Crisis* P. Calvert 1983.

218 Gustafson 1988 p.22. Not true. There is no record of any adoption or confirmation of Jewett's claim by the Government of either Buenos Aires, or by the subsequent Confederation. When Buenos Aires did formally and publicly state a claim to the Islands in 1829, it made no mention of Jewett.

219 Podetti 2013. Not true. After Jewett and his successor as captain sailed away in 1821, nothing was left behind. Not even a flag flying as a mark of possession. The first 'secret' decree by Buenos Aires was in 1828. No provisions were sent out, nor was there an official body to provide for.

220 The only eye-witness account is that by an unbelieving James Weddell. There are no other records. Not by the captains of other ships that may, or may not, have been present. None, surprisingly, from Jewett's officers or crew, and no account from Jewett himself, as he failed to mention any of these events in his only known archived report (see below). Also worthy of note that none of these events were mentioned in protests by Buenos Aires, following Britain's return in 1833.

221 Weddell 1825

222 Greenhow 1842

"Weddell was in no doubt that Jewitt's principle business in putting into the islands was to refresh his crew and that taking possession was subsidiary. ... The un-United Provinces were in a state of unrest. There was no Supreme Government. There were in the year 1820 at least twenty-four governments. ... It is highly unlikely that one of these governments, during its brief reign, would have had time to think of the islands let alone task Jewitt to take possession." [223]

"In his account Weddell makes it clear that Jewett thought it necessary to assume an "authoritative appearance" because other ships' captains were annoyed by his exclusion of other ships from the Uraine – in those woodless islands wrecks were an important source of wood both for repairs to ships and for firewood, and also for ironwork; ... It has been automatically assumed by writers on the Falklands that by "sources of supply" Jewett meant the wildlife, the seals, cattle, geese, etc., which he wished to conserve. But that is modernism; all those things were abundant in 1820 and the idea of "conservation" lay far in the future; Jewett's display of authority was principally concerned with firewood and ironwork from wrecks." [224]

At Puerto Soledad, *Heroina* remains at anchor; *"To all the captains (Jewett) passed them a written official notice of the inauguration on behalf of the Argentine Republic, and notified them of the prohibition of fishing in the banks and hunting amphibians on the coast, and (that) it was prohibited to kill cattle on the same islands, under penalty of seizure and remittal of the offenders to Buenos Aires to be tried there."* [225]

November 9th, in the Falklands, Jewett sends a letter to Capt. William B. Orne of the *General Knox*. [226]

> *"Sir, I have the honour to inform you of my arrival at this port, to take possession of these Islands, in the name of the Supreme Government of the United Provinces of South America. The ceremony was publicly performed on the sixth day of the present November, and the National Standard hoisted at the fort under a salute from this frigate, in the presence of several citizens of the United States, and subjects of Great Britain. It is my desire to act towards all friendly flags with the most distinguished justice and hospitality; and it will give me great pleasure to aid and assist such as may require them, to obtain refreshments, with as little trouble and expense as possible. I have to beg of you to communicate this intelligence to any other vessels of your nation, whom it may concern. ..., D. Jewett."*

"Jewitt could not enforce his demands, however, since his vessel was in a poor condition, and many of his crew had scurvy. As a result, General Knox (Capt. W.B. Orne) was able to return to Salem on 6 June, 1821 with 5000 seal skins, 600 barrels of whale oil and a copy of Jewitt's letter, no doubt ignored, to inform those sealers about to depart for the islands." [227]

November 11th, in the north-west of West Falkland Island ,Capt. Burdick moves *Huntress* to Hope Harbour; *"I found two Ships and their Shallops, one from New Haven, Bound to the East'd, and the other from Salem had been lying here two years past and with a part of a load of oil and a few skins. The former left New Haven last March, was the Huron, Capt. Davis."* [228]

---

223 Cawkell 1983

224 Pascoe 2022 vol.1 p.444

225 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887. All evidence to the contrary. There is only one letter known to have been written after Jewett's ceremony. As there is only one example of a letter written before it. A straight lift from Vernet's 1832 report?

226 Orne clearly was not present for the ceremony on November 6, 1820. Probably out at West Point Island. This letter may have been handed to one of Orne's tenders, and it is only the second letter that Jewett is known to have written. Worth remembering that this is only two weeks after Jewett's arrival in the Islands, during which time he has managed to antagonise almost everyone.

227 Dickinson 2007 p.43

228 *The Voyage of the Huron and the Huntress: American Sealers and the discovery of the continent of Antarctica* E.A. Stackpole 1955

At the South Shetland Islands, *Hero* arrives to join *Free Gift*. [229]

November 20th, James Weddell sails from the Falklands, accompanied by the cutter *Rose*.

November 25th, from the Falklands, *George* sails for the South Shetlands. [230] *Catherina*, *Emeline*, *Spark* and *Clothier* also sail away.

December 9th, at the South Shetland Islands, *Clothier* is lost. [231]

December 14th, *Cora* (Robert Fildes), out of Liverpool, hunts at the South Shetland Islands.

"He described the number of fur seals as "incalculable"..." [232]

Sealer*, Lynx* (Richard Siddins), out of Sydney, Australia, arrives at Blyth Bay on Desolation Island, South Shetland Islands. [233]

December 25th, a gale at the South Shetland Islands drives *Lady Troutbridge* and the *Hannah* ashore on King George Island. [234]

December 30th, at the Falkland Islands, Jewett seizes the US schooner, *Rampart* (Thomas Farrin), claiming that the vessel has a cargo of cotton, wool indigo and cocoa, bound for Spain.

"Towards the close of 1820, being at the Falkland Islands, an American schooner entered, which he captured, and sent to their consignee, at Buenos Ayres." [235]

"She was detained by the Heroine Privateer of this Port (Buenos Aires), off the Falkland Islands, upon suspicion of having Spanish property on board." [236]

"... Jewett was so frustrated at his lack of success and so desperate to communicate his resignation to Buenos Aires that he grasped at this straw, even though the Rampart was American. He arrested the ship, (and) accused her captain of transporting goods for the Spanish royalists, ... Rampart provided Jewett with what he called his "first and only opportunity, to announce the painful history of events" of his voyage in the Heroina. ... As far as Captain Farrin knew, the Falklands were open to any ships that might call, and had been so for a very long time – to have his ship seized by a fellow American was the last thing he was expecting. In seizing an American ship Jewett was committing piracy again." [237]

Ann is lost at the South Shetland Islands. [238]

229 See *British Sealing on New South Shetland 1819-1826* A. G. E. Jones in *The Great Circle* vol.7 no.1 (April 1985) pp.9-22

230 Jones 1985 p.13. *George* was somewhere around East Falkland at the time of Jewett's ceremony. Not recorded in that vessel's log; nor in any of the crew's letters that Weddell carried back to England. *George* arrived back in London on May 21, 1821 with 18,000 seal skins.

231 *Australian Sealers in the Antarctic Region 1820 – 1822* Michael Pearson 2018 p.115 in *The Great Circle* vol.40 no.2

232 Jones 1985 p.12

233 Pearson 2018 p.115

234 *Ibid.* p.114

235 *Case of the Heroina* in the *Morning Chronicle* June 7, 1822. Exact date of the seizure, unknown.

236 *Lloyds List* Tuesday June 12 1821

237 Pascoe 2022 vol.1 p450. In terms of profit, Jewett's voyage had been a disaster for the investors and he needed something to send back.

238 Pearson 2018 p.115

1821 – January 20th, at Puerto Soledad, Capitán Laureano Anzoátegui makes a '*Public Protest'* to Col. Jewett, demanding that the ship return to Buenos Aires immediately. Regardless of its poor condition; *"(The ship's) express purpose is to cruise for the remaining four months, not to vegetate in this Port as we are..."* [239]

"Captain Anzoátegui, who had revealed a restless and rebellious spirit some time ago, tried to unite the officers in the idea of abandoning that place and returning to Buenos Aires, to which they agreed. Shortly after, Anzoátegui made a public protest of grievances against his chief on behalf of the troops under his command and the crew of the Heroina." [240]

Jewett promptly relieves Anzoátegui from his post.

"... as a result of his attempt to seduce the officers of the ship, and his formal resignation of all responsibility pertaining to his office, I suspended him from command of the troops and ordered him to remain as a passenger until the decision of the Supreme Government was known, with the option of embarking on an English ship that was then in this port, destined for the Pacific." [241]

"Jewett dismissed and arrested Ansoátegui for insubordination and had him confined ashore. But Jewett himself was frustrated too, as there was not a single ship he could capture – after the sealing ships had left for the South Shetlands, Berkeley Sound was usually empty." [242]

On Desolation Island, South Shetland Islands, British sealer *Cora*, is wrecked during a gale. The storm is ridden out by the Australian sealer *Lynx* and an American whaler.

"As a result of the wrecking of his ship, Robert Fildes records the gathering of captains to formally confirm the total loss of the Cora a week after the wreck. The captains were John Walker of the snow John, Thomas Johnson of the brig Romeo, and William Smith of the brig Williams (discoverer of the South Shetlands), all of London, and Richard Siddins of the brig Lynx, of Sydney. The cove was subsequently renamed 'Cora Cove'. ... Siddins reported in a letter sent home from the Falkland Islands during the winter of 1821 and printed in the Sydney Gazette, that there were 40 ships operating in the South Shetlands that season, of which 14 had been lost. Other records indicate that some 72 vessels, ranging from small cutter shallops to large ships, were in fact operating in the South Shetlands in the 1820-21 season, which was the most productive sealing season in the short life of the South Shetlands as a fur sealing ground." [243]

January 29th, in Britain, George IV ascends the throne following the death of George III.

January 31st, in Buenos Aires, General Matías de Irigoyen denounces the excesses of whalers and sealers on the coasts of Patagonia;

> *"They attend every year from the beginning of August to the end of January, and without regard to the period of prohibition for reproduction, they not only kill in order to make their shipments, but destroy (upon) their departure in order to ruin those who remain at work, and thus avoid competition in the markets for sale.*

---

239 *AGN X 5-1-3.*

240 *Biograficas argentinas y sudamericanas* Jacinto R. Yaben 1938 vol.1 p.247. Anzoátegui, well connected and now disgruntled, would seem to have taken the option of the British ship which, rather than the Pacific, returned him to Buenos Aires. It is known that he complained about Jewett's treatment of him and it seems likely that Anzoátegui put his complaints in writing. That no such report has been found, is intriguing. See February, 1821, below.

241 Jewett quoted in Tesler 1968 citing *Archivo General de la Nación Sala X volume 5, shelf 1, no. 3.* It has been suggested that Tesler was relying on a poor Spanish translation of Jewett's resignation letter.

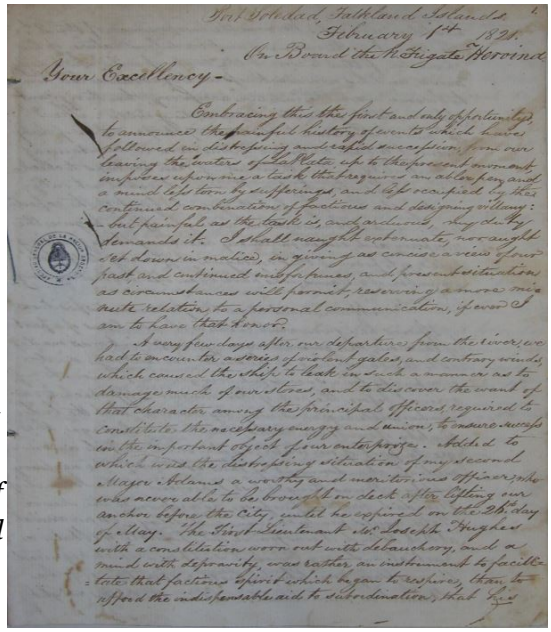
242 Pascoe 2020 p.67

243 Pearson 2018 p.114

The damage that results to the country from this conduct is foreseen by the most common reason and if no action is taken on this proceeding the sea beasts and amphibians will come to an end…" [244]

February 1st, at Puerto Soledad, Colonel Jewett prepares a 13 page report concerning his voyage for the authorities in Buenos Aires. Written in English, he makes no mention of his act of possession of the previous November. He does, however, ask to be relieved.

"Should the disposition of Government place this ship again in Commission it will be found necessary to give her the requisite repairs, and advisable to change most of the Officers, and a great part of the crew. Persuaded that my misfortunes will be sufficient to induce the Supreme Government to provide for my immediate relief, from my present painful and distressed situation, by sending a Commander of their confidence to supercede (sic) me – I rest assured that my supplication will be granted as early as possible." [245]


Port Soledad, Falkland Islands
February 1st 1821.
On Board the H. Frigate Heroine
Your Excellency -
Embracing this the first and only opportunity to announce the painful history of events which have followed in disheartening and rapid succession, from our leaving the waters of La Plata up to the present moment, I pause upon me a task the happiness of an abler pen and a mind less torn by sufferings, and less occupied by the continued combinations of factious and designing villany: - but painful as the task is, and arduous, my duty demands it. I shall naught exaggerate, nor aught set down in malice, in giving as concise a view of your past and continued misfortunes, and present situation as circumstances will permit, reserving a more minute relation to a personal communication, if ever I am to have that honor.
A very few days after our departure from the river we had to encounter adverse & violent gales, and contrary winds, which caused the Ship to leak in such a manner as to damage much of our stores, and to discover the want of that character among the principal officers required to constitute the necessary energy and union, to ensure success in the important objects of our enterprize. Added to which was the unhappy situation of my second Major Adams a worthy and meritorious officer who was never able to be brought on deck after lifting our anchor before the City, until he expired on the 28th day of May. The First Lieutenant Mr. Joseph Hughes with a constitution worn out with debauchery, and a mind with depravity, was rather an instrument to facilitate that factious spirit which began to inspire, than to afford the indispensable aid to subordination, that

"… the symbolic acts performed by David Jewett in 1820 were not followed by an immediate settlement,.." [246]

"… in that letter he suppresses some very important details. He does not mention that he put the Carlota's crew and passengers aboard another ship (another piratical action after the capture of the ship); he mentions the mutinies but does not say that he had some men shot, or that the Carlota's Portuguese nationality was their motive. And he says not a word about "taking possession" of the Falklands! That last omission is highly significant – he had had no contact with Buenos Aires for almost a year, and when contact was finally made, he chose not to inform the government that he had laid claim to the Falklands. If he had been ordered to take possession of the Falklands he would scarcely have omitted to mention that he had done so." [247]

Placing a prize crew aboard under the command of Lt. Cristóbal Carnelia, Colonel Jewett sends *Rampart* to Buenos Aires. Carnelia carries Jewett's report.

February 16th, at Buenos Aires, *Rampart* anchors. [248]

"On the 16th of February, the American captain Rampart, Captain Farrin, was brought here as the prey of The Heroine, Captain Jewett; who captured him while he was anchored in the Falkland Islands. In this case, all possible irregularities have been committed. The crew was never questioned, the holds were not sealed, the cargo was discharged without notification…" [249]

---

244 Matías de Irigoyen quoted in Caillet-Bois 1982 (6th ed.) p.185 citing *Crónica histórica del Rio Negro de Patagones (1774-1834)* José Juan Biedma 1905 pp. 476-479. De Irigoyen's proposal to form a national enterprise to compete with the foreign whalers and sealers appears to have been rejected.

245 *Jewitt to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2.* See also https://falklandstimeline.files.wordpress.com/2018/04/jewett-report-resignation-letter-feb-1-1821-x-5-1-2-agn.pdf and https://falklandstimeline.files.wordpress.com/2013/10/report-of-david-jewett-feb-1st-1821.pdf

246 *Falklands or Malvinas: Myths & Facts* M. P. Peña & J. A. Peña 2018. Hardly surprising, as Jewett failed to mention them.

247 Pascoe 2020 p.68

248 Tesler 1968 gives the date as the 17th

249 *Once años en Buenos Aires, 1820-1831: las crónicas diplomáticas de John Murray Forbes* Felipe A. Espil (ed.) 1956

February 18th, from the South Shetland Islands, Daniel W. Clark, Mate of the brig *Hersilia*, writes home.

"We are now loaded with fur skins, having taken upwards of 18,000 of superior quality; but being anxious to obtain a second voyage before I return to the United States, we have agreed to send our cargo home by the schooner Express and brig Frederick, Pendleton, both of Stonington, then to proceed round Cape Horn into the Pacific Ocean, in search of a second cargo, which I doubt not will be obtained soon. As for getting another cargo in these islands, it is utterly impossible, for there is scarcely a seal left alive. The country is full of vessels from most quarters of the globe, and I am certain that one half of them will not obtain half a cargo. Our being the first vessel in the country, and getting possession of the best ground, is the reason why we succeeded in a valuable cargo. There are now lying in this port 12 sail of American vessels; among the number is the ship Huron, Davis, of New Haven,.. it is a climate I am glad to leave. We have already had accounts of nine sail of English vessels being lost in these islands, and one American ship called the Clothier, from Stonington ... The brig Aurora, of New York, has lately arrived..." [250]

"At least thirty sealing voyages were ... made from New England in 1820-1821, including to the Falkland Islands. ... Sealing was now dominated by the Americans." [251]

February 21st, the *Gaceta de Buenos Aires* records the arrival of *Rampart*.

> *"American schooner Rampart, from Lima from where it left for Cadiz on December 1 last past under the command of its captain d. Tomas Feren (sic) with cargo, cocoa, cotton, husks and wool having been arrested and sent to this port by the national privateer corvette Heroina, in the latitude of Malvinas, for carrying Spanish properties under the command of Lieutenant de Preza D. Cristival Carnelia consigned to the armourer d. Patrick Lynch."*

"Buenos Ayres, March 10, In our last Report we stated the detention and arrival here of the American Schooner Rampart, Farran, from Lima to Cadiz. She was detained by the Heroine Privateer of this Port, off the Falkland Islands, upon suspicion of having Spanish property on board. The cargo, consisting of cotton, wool, indigo, cocoa, &c., has since been condemned." [252]

"So now – and not before – the Buenos Aires government knew Jewett was in the Falklands. What they did not know, however, and only found out much later, was that he had raised a claim to the islands." [253]

February 24th, US Commercial Agent John Murray Forbes complains to Patricio Lynch about the seizure of *Rampart*. He then submits a written protest to the Governor of Buenos Aires; *"... which was delivered by a confidential person into the hands of one of his Aids du Camp... to request that the discharging of the Schooner Rampart might be suspended until the Captain should be regularly notified and present and that the regulations for Privateering of 1817 might in all things be observed."* [254]

February 26th, Forbes learns that the '*discharging*' of *Rampart* has already commenced; its cargo being auctioned off. [255]

---

250 Published in the *Public Ledger & Daily Advertiser* June 12, 1821
251 Dickinson 2007 p.43
252 *Lloyds List* June 12, 1821
253 Pascoe 2022 vol.1 p.450. Capitán Laureano Anzoátegui is likely to have reached Buenos Aires a few days before *Rampart*. An event probably not foreseen by Jewett who thought Anzoátegui was on his way to the Pacific. Once again, the unavailability of Anzoátegui's account is frustrating.
254 Manning 1925 vol.1
255 There is no evidence of any trial or legal examination.

Within the Buenos Aires government, a decision is made to accede to Colonel Jewett's request.

> *"The Supreme Government is requested to write to Colonel Jewett, Commander of the national frigate "Heroína", in response to his communication of February 1st, telling him that His Excellency is very sorry for the misfortunes he has had on his last cruise, and that he would wish to be more fortunate in another enterprise; but that in virtue of the request he makes to be relieved of command of said frigate, he has agreed to agree to his said request, in consequence of which he is sending Captain Don Mazon to take command of said frigate and that upon his arrival he should deliver the ship with all the articles and documents to the corresponding person and then come to this City.*
>
> *And an order to Captain Mazon ordering him to recruit men as soon as he has gathered them, and to embark with them on the ships that the agents have assigned to transport the provisions for the "Heroína" and proceed to Puerto Soledad in Malvinas to gather the command of the "Heroína" and everything pertaining to her,* ***including the ship's papers and instructions from His Excellency*** *that were given to Colonel Jeuett upon his departure from here; and ordering him to comply with the instructions of Agent Don Patricio Lynch in charge of Prizes and their cargoes in all other matters concerning said ship. Another order to the Commander of the troops of the frigate "Heroína" ordering him to place himself at the disposal (with his troops) of Commander Mazon, and inviting him to undertake another Cruise....*
>
> *Four blank dispatches for lieutenants and an authorization to Commander Mazon for the appointment of lower officers. And an order to Commander Mazon to reinstate Captain of the troop Don Laureano Anzoátegui in his position from which Colonel Jewett had suspended him and to give him command of his troops."* [256]

"*The government of the province of Buenos Aires, headed by Governor Martín Rodríguez, did not delay in responding to the commander of the "Heroína". Sensitive to the "unfortunate events" that Jewett describes in his note, and to the "unpleasant impressions" that caused a logical emotional depression, they were good enough to accept his request..."* [257]

February 27th, the provincial government of Buenos Aires instructs Colonel William Robert Mason to replace David Jewett as commander of *Heroina*.

> *"As a consequence of a request by Cnl Mr. David Jewitt commander of the national warship Frigate Heroine located at port Soledad in Falkland, and aware of the maritime documents and other circumstances which distinguish you, I have been inclined to name you to go to the named port on one of the ships destined by the Agents to the named ship Heroine, taking the necessary provisions for her. You are to receive the command of her and all that belongs to her including the* ***Documentation*** *on the ship, and the* ***instructions*** *for its voyage given to Cnl Jewitt. ... with respect of the wages which you may obtain on this task as in everything else concerning it you will have to add yourself to the* ***instructions*** *of the Agent Patrick Linch (sic) so long as they are not in contradiction* ***with those set by the Government*** *for Commander Jewitt, and whose punctual observance is recommended. ...*
>
> *For the best achievement of the objectives to which you are destined you are authorised to recruit people that you consider necessary for this, with a warning that the cost of this, and the transport of*

256 Quoted in Tesler 1968 citing *Archivo General de la Nación Sala X section 5, shelf 1, no. 3*. My emphasis. Undated and unsigned, this appears to be a draft.

257 *Ibid.*

recruits are to be made using one of the allocated ships to conduct you. It will be on to the account of the builders and Agents of the Heroine whose lower rank officers you will name according to what you consider fit and timely. As this Government has been informed that the captain of the troops attached to the Heroine Mr. Lauteano Anzoate was suspended from his employment by Cnl Jewitt, you will make sure that this officer be immediately put back in the same, unless you are stopped and this solution is not convenient. …

The Government expects you to do this with delicacy and confidence demanded by its importance…"[258]

"… the government appointed the British-born Colonel William Robert Mason to replace Jewett as captain of the Heroína. …They gave Mason no land-based role (such as governor), and in the orders given to Mason … they said nothing that implied that they were on Argentine territory. Mason was merely appointed captain of the Heroína and was ordered to continue the privateering voyage." [259]

February 28th, Forbes complains again, but the Government of Buenos Aires denies having received Forbes' letter of the 24th. Forbes provides a copy. Responding, the Minister for War tells Forbes that he has no *"official character,"* a response regarded by the American agent as; *"highly offensive."* [260]

In Buenos Aires, on the same day, orders are issued to Capitán Laureano Anzoátegui.

"The unfortunate events and contrasts that the national Frigate Heroine has suffered during the expedition have moved the Commander Cnl. Mr. David Jewitt to request his removal from the command of that ship. … The Government … has decided to let him know the named (person) to succeed in command of the said Frigate will be Lieutenant Colonel Mr William A. Mazon (sic).

For this task he must travel straight away on one of the ships bound to conduct supplies, people, articles that are necessary in order to continue the cruise. It is agreed to warn you that in this respect you are taking the named Lieutenant Cnl Mazon as Commander of the named Frigate and (to) put yourself at his orders with the troops under your command with which according to your superiors you will continue serving the fatherland under the direction of your superiors with the delicacy and honour that characterise you."

"… the government's reaction strongly suggests that they knew nothing about (Jewett's claims) and did not see the islands as Argentine territory." [261]

March 1st, US Agent John Forbes demands the return of his passport – causing some consternation within the Buenos Aires Foreign Ministry.

March 7th, at the South Shetland Islands, *Venus* is lost. [262]

---

258 *Archivo General de la Nación Argentina. Fondo Corsarios Sala X.* My emphasis. Mason was not tasked with any responsibility in the Falklands, nor was he named a governor, as is sometimes asserted. As for the instructions, see March 20, 1822, below.

259 Pascoe 2020 p.68. There is a record of a William Robert Mason, born circa 1776 in Shropshire, England who died in Buenos Aires on May 18, 1843 aged 68.

260 Despite having been received by the Governor and having had his papers accepted. In later correspondence, Forbes informed John Quincy Adams that he'd been told that his treatment was a reaction by some officials to the USA's reluctance to recognise the United Provinces as an independent country.

261 Pascoe 2020 p.68.

262 Pearson 2028 p.115

March 9th, in Buenos Aires, Forbes is summoned to a conference with Secretary Luca. Forbes complains of the; *"... total disregard which had been shewn to my representations in the case of the American Schooner Rampart lately brought in here as a Prize; I then, producing the Prize Regulation of 1817 in Spanish and English, went through several articles, the observance of which had been wholly neglected in that Case. Mr. Luca confessed his incompetence to speak on that matter, as it belonged to the Department of War.... He said that he would lay the subject before the Governor and take his orders on it."* [263]

March 10th, Forbes informs Washington of events.

> *"... the American Schooner Rampart, Capn. Farrin, was brought in here, a Prize to the Heroina, Capn. Jewett, Captured at anchor at the Falkland Islands. In this case every possible irregularity has been committed. The Crew has never been examined, the Hatches have never been sealed, the Cargo has been discharged without notification to the Captain ..., we know and hope to prove that the Captor was cruising under two Commissions, but such is the arbitrary military despotism which reigns here and such is still the more arbitrary despotism of poverty and want of means, that I have very great doubt if the best arguments and the strongest Proofs will avail anything against them."* [264]

March 21st, from Buenos Aires, William Mason sails in a Dutch ship *Twee Broeders* (*Three Brothers*), bound for Puerto Soledad; *"... with a new crew for the Heroina, accompanied by the brig Galvez, which was to take the sick men of Heroina's crew back to Buenos Aires.* [265]

March 22nd, sealer *Spring Grove* sails off the coast of Beauchene Island. [266]

March 29th, the Governor of Buenos Aires Province, General Martín Rodríguez, appoints Lt. Colonel Jose Gabriel de la Oyuela as head of the Political and Military Command of Rio Negro and the coast of Patagonia. [267]

April 1st, US Agent John Forbes writes, again, to Washington. [268]

> *"This Country is lost both Politically and Commercially – there never was anything like education among the Natives of this Country, consequently there are no materials for forming a public opinion and without public opinion how is it possible to form a Republic? the government will long continue a merely military despotism which will pass from the chief of one party to that of another, the people having no part or voice in it. ...*
>
> *Commercially viewed, the resources of this Country are daily disappearing. ... Commerce, with everything belonging to civilized life, may, and probably will relapse into utter barbarism; unless by the special grace and favour of heaven a reform in the personal habits and Political tendencies of the people should be effected and a total regeneration take place."*

263 Manning 1925 vol.1. It would be a further 6 months before Forbes was able to speak to Rivadavia. By which time *Rampart's* cargo was gone.

264 *John M. Forbes to John Quincy Adams March 10, 1821* in Manning 1925 vol.1

265 Pascoe 2022 vol.1 p.452

266 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.

267 A position which lasted less than two years, although Oyuela does appear to have attempted to police the sealers and whalers, albeit without effect. See September 9, 1821 below.

268 *John M. Forbes to John Quincy Adams April 1, 1821* in Manning 1925 vol.1

April 9th, at New Island, in the Falklands, *Huron* arrives back for the austral winter. Also at the Falklands are *Charity* (Charles Barnard[269]), *Henry*, *Aurora* from New York and *Nancy* out of Salem, [270] *Huntress* of New York and *Lynx* from Sydney, Australia. [271]

April 16th, in Rio de Janeiro, the government of the United Kingdom of Portugal, Brazil and the Algarve, formally recognises the independence of the United Provinces of the Rio de la Plata. [272]

April 21st, Colonel William Mason arrives at Puerto Soledad.

April 22nd, Jewett signs over *Heroina's* documents to his replacement. [273]

"When Jewett was released of his command, Guillermo Mason took over the 'Heroina' and for a few days he ruled the islands, thus becoming the second military commander there." [274]

April 23rd, David Jewett leaves the Falkland Islands in *Galvez*, with the sick survivors of his original crew. [275]

May 13th, Colonel Mason departs Soledad Island in *Heroina*.

"... he however left no garrison." [276]

"...the Government of Buenos Ayres, .., left them uninhabited." [277]

"No acts of occupation followed the ceremony of taking possession and Jewett's frigate, the Heroina, was subsequently condemned in the United States as a pirate." [278]

"But Jewett did not leave marks of ownership on the Islands on behalf of the United Provinces and he failed to report his actions to Buenos Aires. Buenos Aires did not return to the Islands within a reasonable time to exert peaceful and continuous occupation. A territory abandoned even by a lawful occupier who does not leave behind signs to prove his reservation of dominion and his intention to return, remains presumed terra derelicta, liable to be taken by any other power." [279]

June 6th, in Salem, Massachusetts, *General Knox* (Orne) arrives back with 5000 seal skins, 600 barrels of whale oil and a copy of Jewett's letter of November 9, 1820.

---

269 Previously marooned in the Falklands for 534 days. See 1813-1815

270 Stackpole 1905

271 Pearson 2018 p.118

272 Moot. Stated on Portugal's diplomatic portal. No evidence is provided and the reference is to the **Republic** of Argentina which did not exist at this time. Argentina still recognises the British as the first in 1823.

273 Including the ship's letters of marque, the log and, presumably, any instructions issued before *Heroina* first sailed from Buenos Aires. Whereabouts currently unknown. Possibly Portugal (see 1822 below).

274 *The Malvinas, the South Georgias and the South Sandwich Islands: the conflict with Britain* L. H. Destefani 1982. Risible nonsense. Mason had not been given any title other than that of Colonel of the *Heroina*. He only remained at Puerto Soledad for 20 days. There is no evidence that Mason was even aware of Jewett's act of possession.

275 A journey of approximately two week, putting Jewett's arrival back at Buenos Aires around the 5th or 6th of May, 1821. What happened on Jewett's return to Buenos Aires is unclear. It is known that there was an inquiry into the mutiny (see below) but within 12 months, amid rumours of a dispute, Jewett departed for Brazil where he joined that country's navy. From Brazil he would eventually wage war against his old employers and advise US Commander Duncan on the lay-out of Berkeley Sound before the *Lexington* 'raid' of 1831. The piratical seizure of the Portuguese ship *Carlota*, does not appear to have impeded his career as he rose to the position of Admiral.

276 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in *ADM 1/43*

277 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43.* In fact, nothing was left behind, not even a flag.

278 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

279 Peña & Peña 2018

June 8th, Jewett's letter to Orne is published in the *Salem* Gazette.

"Captain Orne, who arrived here on Tuesday last from the Falkland islands, has furnished us with the following act of sovereignty, for publication:-

(Circular)

National Frigate Heroina at Port Soledad Nov 9, 1820

SIR, I have the honour to inform you of my arrival at this port, to take possession of these islands, in the name of the Supreme Government of the United Provinces of South America. The ceremony was publicly performed on the sixth day of this present November, and the National Standard hoisted at the fort under a salute from this frigate, in the presence of several citizens of the United States, and Subjects of Great Britain.

It is my desire to act towards all friendly flags with the most distinguished justice and hospitality; and it will give me pleasure to aid and assist such as may require them, to obtain refreshments, with as little trouble and expense as possible.

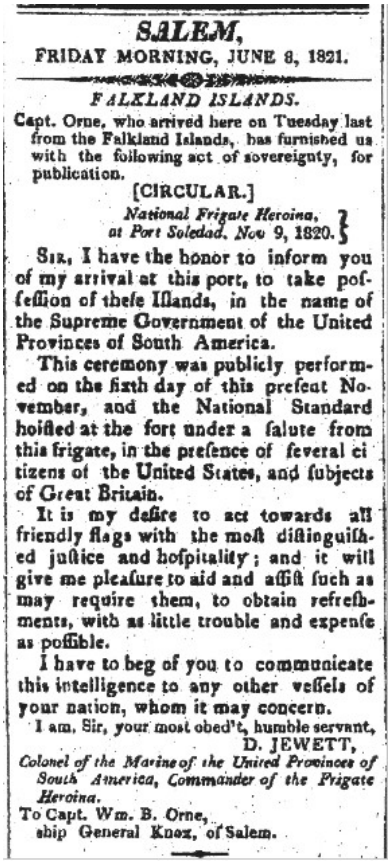
I have to beg of you to communicate this intelligence to any other vessel of your nation, whom it may concern.

I am, Sir, your most obed't, humble servant.

D. Jewett

Colonel of the Marine of the United Provinces of South America,

Commander of the frigate Heroina To Capt. Wm. B. Orne, ship General Knox of Salem"



SALEM,
FRIDAY MORNING, JUNE 8, 1821.

FALKLAND ISLANDS.

Capt. Orne, who arrived here on Tuesday last from the Falkland Islands, has furnished us with the following act of sovereignty, for publication.

[CIRCULAR.]

National Frigate Heroina, at Port Soledad, Nov 9, 1820.

Sir, I have the honor to inform you of my arrival at this port, to take poſſeſſion of theſe Iſlands, in the name of the Supreme Government of the United Provinces of South America.

This ceremony was publicly performed on the ſixth day of this preſent November, and the National Standard hoiſted at the fort under a ſalute from this frigate, in the preſence of ſeveral citizens of the United States, and ſubjects of Great Britain.

It is my deſire to act towards all friendly flags with the moſt diſtinguiſhed juſtice and hoſpitality; and it will give me pleaſure to aid and aſſiſt ſuch as may require them, to obtain refreſhments, with as little trouble and expenſe as poſſible.

I have to beg of you to communicate this intelligence to any other veſſels of your nation, whom it may concern.

I am, Sir, your moſt obed't, humble ſervant,
D. JEWETT,
Colonel of the Marine of the United Provinces of South America, Commander of the Frigate Heroina.

To Capt. Wm. B. Orne,
ſhip General Knox, of Salem.

June 11th, the *Caledonian Mercury* reports.

"The Heroine privateer, from Buenos Ayres, put into Port Solebad (sic), Falkland Islands, in consequence of mutiny and sickness. A new crew has been forwarded." [280]

June 16th, in the USA, *Niles' Weekly Register* reports.

"..."D. Jewitt, colonel of the marine of the united provinces of South America and commander of the frigate Heroina" has taken formal possession of the Falkland Islands, "in the name of the supreme government" of the provinces aforesaid."

In **July**, from England, James Weddell sets out in *Jane*. Accompanied by the *Beaufoy (*Michael McLeod), the vessels sail for the South Atlantic. [281]

July 18th, the eastern bank of the Rio de la Plata (Provincia Oriental) is annexed by Brazil to become the Cisplatina. [282]

280 Featured under *'Lloyds Marine List – June 8'* in the *Caledonian Mercury June 11, 1821*
281 Pascoe 2024 2nd edition vol.1
282 Disputed by Buenos Aires. See 1828

July 19th, published in London newspaper, *The Globe.* [283]

America.

From the Salem Gazette of June 8.

Falkland Islands.

Captain Orne, who arrived here on Tuesday last from the Falkland islands, has furnished us with the following act of sovereignty, for publication:-

(Circular)

National Frigate Heroina at Port Soledad
Nov 9, 1820

SIR, I have the honour to inform you of my arrival at this port, to take possession of these Islands, in the name of the Supreme Government of the United Provinces of South America.

This ceremony was publicly performed on the 6th day of this present November, and the National Standard hoisted at the fort under a salute from this frigate, in the presence of several citizens of the United States, and subjects of Great Britain.

I am, Sir, your most obed't, humble servant.

D. Jewett

Colonel of the Marine of the United Provinces

of South America, Commander of the frigate

frigate (sic) Heroina

To Capt. Wm. B. Orne, ship General Knox of Salem,

July 28th, at the port of Buenos Aires, Portugal's envoy, João Manuel de Figueiredo, arrives to present his credentials as representative of the Portuguese government of Rio de Janeiro. [284]

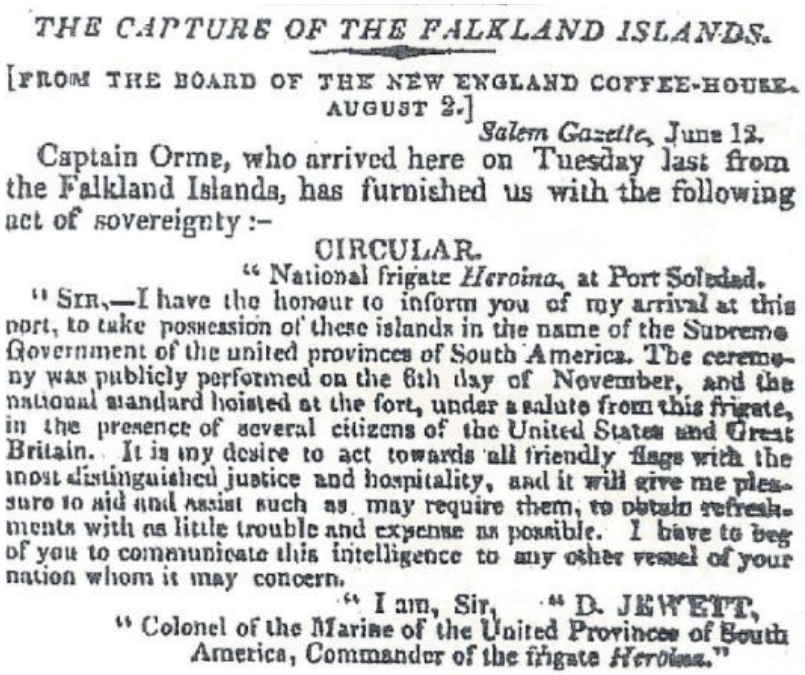
August 3rd, four British newspapers, reproduce the *Salem Gazette* notice. [285]

283 *The Globe July 19, 1821 No.5810 p.3.* There were a few changes to the original as published in the *Salem Gazette,* which has been taken by some to suggest that more than one letter was sent. An editor's need to fit an item into a particular space seems more likely.

284 Again, this information comes from Portugal's diplomatic portal. No supporting evidence or any indication of who the envoy handed his credentials to. Not recognised in any Buenos Airean archive. In any case, Figueiredo's tenure was short. He died on August 21, 1821.

285 Reproduced or otherwise announced, in the *Morning Post*, *Morning Chronicle*, *Public Ledger & Daily Advertiser* and the *Evening Mail* of London. Further announcements were made in the *Bristol Mirror* (August 4, 1821), *Leeds Intelligencer* (August 6, 1821), *Tyne Mercury* (August 7, 1821), *Kentish Weekly Post* (August 7, 1821), *Taunton Courier* (August 8, 1821), *Belfast Commercial Chronicle* (August 8, 1821) and the *Yorkshire Gazette* (September 1, 1821). See https://falklandstimeline.files.wordpress.com/2018/04/the-times-newspaper-aug-3-1821-inside-page.pdf and https://falklandstimeline.files.wordpress.com/2018/04/the-times-aug-3-1821-detail.pdf

The Times (page 2, at the bottom of column 5):



THE CAPTURE OF THE FALKLAND ISLANDS.

[FROM THE BOARD OF THE NEW ENGLAND COFFEE-HOUSE. AUGUST 2.]

Salem Gazette, June 12.

Captain Orme, who arrived here on Tuesday last from the Falkland Islands, has furnished us with the following act of sovereignty :–

CIRCULAR.

" National frigate *Heroina*, at Port Soledad.

" SIR,—I have the honour to inform you of my arrival at this port, to take possession of these islands in the name of the Supreme Government of the united provinces of South America. The ceremony was publicly performed on the 6th day of November, and the national standard hoisted at the fort, under a salute from this frigate, in the presence of several citizens of the United States and Great Britain. It is my desire to act towards all friendly flags with the most distinguished justice and hospitality, and it will give me pleasure to aid and assist such as may require them, to obtain refreshments with as little trouble and expense as possible. I have to beg of you to communicate this intelligence to any other vessel of your nation whom it may concern.

" I am, Sir, " D. JEWETT,

" Colonel of the Marine of the United Provinces of South America, Commander of the frigate *Heroina*."

The Morning Post (page 2):

> *"We copy from the board of the New England Coffee-house the following official account of the occupation of the Falkland Islands, by a Naval force, in the name of the "Supreme Government of the United Provinces of South America". We are at a loss what particular Authority to recognise by this title; though there is no doubt that the capture is made on account of the Independent interest. These Islands lie to the east of the Straits of Magellan, 180 miles from Cape San Juan, and 315 from Cape Horn."* [286]

"There was no formal protest about Colonel David Jewett's action in taking formal possession of the Falkland Islands in November 1820. There was no British diplomatic representation in Buenos Aires at the time and there is no reason to suppose that HMG knew of Jewett's action when it took place. It should, moreover, be noted that the act of possession was made in the name of a government which was not recognised either by Britain or any other foreign power at the time. The Islands remained without any effective government and Jewett quickly returned to Buenos Aires,.." [287]

August 4th, the *Bristol Mirror* announces:

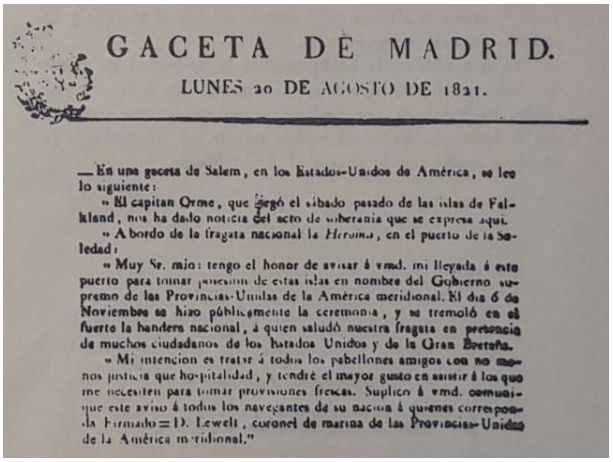
> *"Falkland Islands – Col. D, Jewitt, who styles himself "Colonel of the Marine of the United Provinces of South-America, and Commander of the frigate Heroine", took possession of these Islands on the 6th of November last, in the name of his Government."* [288]

286 This from *The Morning Post August 3, 1821 No. 15,720 p.2.* Followed by an accurate reproduction of the *Salem Gazette* item.

287 Foreign Office submission to the Parliamentary Foreign Affairs Committee in 1983. *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*

288 *The Bristol Mirror* August 4, 1821 p.2

August 20th, in Spain, the *Salem Gazette* notice appears in the *Gaceta de Madrid* (right). [289]



GACETA DE MADRID.

LUNES 20 DE AGOSTO DE 1821.

—En una gaceta de Salem, en los Estados-Unidos de América, se lee lo siguiente:

» El capitan Orme, que llegó el sábado pasado de las islas de Falkland, nos ha dado noticia del acto de soberanía que se expresa aquí.

» A bordo de la fragata nacional la *Heroina*, en el puerto de la Soledad:

» Muy Sr. mio: tengo el honor de avisar á vmd. mi llegada á este puerto para tomar posesion de estas islas en nombre del Gobierno supremo de las Provincias-Unidas de la América meridional. El dia 6 de Noviembre se hizo públicamente la ceremonia, y se tremoló en el fuerte la bandera nacional, á quien saludó nuestra fragata en presencia de muchos ciudadanos de los Estados Unidos y de la Gran Bretaña.

» Mi intencion es tratar á todos los pabellones amigos con no menos justicia que hospitalidad, y tendré el mayor gusto en asistir á los que me necesiten para tomar provisiones frescas. Suplico á vmd. comunique este aviso á todos los navegantes de su nacion á quienes corresponda. Firmado = D. Lewell, coronel de marina de las Provincias-Unidas de la América meridional."

August 24th, in Buenos Aires, *La Gazeta de Buenos Ayres* is replaced as an official organ by Minister Bernardino Rivadavia; *"... under the direction of the Ministry of Government it will organize and publish an official register, and must include all laws, orders and decrees and acts of a general effect or that demand a circular communication."*

September 1st, Minister Rivadavia finally speaks to speaks to Forbes about *Rampart*.

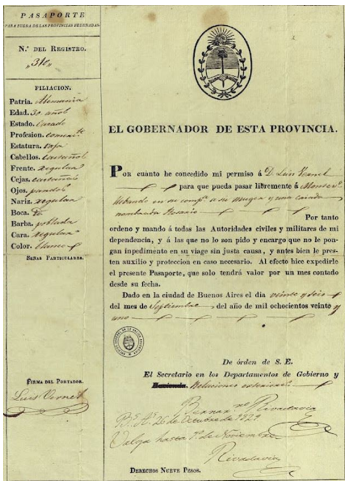
> *"I ... again received an apology for his delay in the long promised Conference.... I then stated, ... That I was instructed by my government to make the strongest remonstrance on this subject. To all these observations Mr. Rivadavia replied that this evil would no longer exist, that there would soon be given an order recalling all privateers;..."* [290]

"On September 1, 1821, Forbes had a brief conversation with Rivadavia, at which time he reminded him that he was still awaiting an audience, and, though he understood how busy Rivadavia was, he would like to remind him of the seriousness of the question regarding privateers. The Minister of Foreign Affairs replied that the evil would no longer exist, that an order recalling all privateers would shortly be published. He explained his government's policy by saying that "governments seated in perfect peace and security reasoned calmly on these subjects," but his country had experienced so many difficulties in its struggle for independence that the Government had been compelled to adopt the strongest measures against Spanish commerce; but, said he, "this is now all finished."..." [291]

September 9th, Lt. Colonel Oyuela reports to the Governor of Buenos Aires province that the sealers and whalers preying on the coasts of Patagonia are unwilling to pay the duty he has attempted to impose. [292]

In the Falklands, *Wasp* (Johnson) out of New York anchors at New Island, as does *Jane* (Weddell), *Beaufoy* (McLeod) and *Charity* (Barnard). [293]

September 26th, in Buenos Airea, merchant Luis Vernet is granted a passport to leave the Federated Provinces to visit Montevideo; signed by Bernardino Rivadavia (right). [294]



PASAPORTE

N.° DEL REGISTRO.

FILIACION.

Patria. Alemania
Edad. 30 años
Estado. Casado
Profesion. Comerciante
Estatura. Regular
Cabellos. Castaños
Frente. Regular
Cejas. Castaños
Ojos. Pardos
Nariz. Regular
Boca. Regular
Barba. Rubia
Cara. Regular
Color. Blanco

SEÑAS PARTICULARES.

FIRMA DEL PORTADOR.

Luis Vernet

EL GOBERNADOR DE ESTA PROVINCIA.

Por cuanto he concedido mi permiso á D. Luis Vernet para que pueda pasar libremente á Montevideo con su empleo y sus efectos y para cuando mandado regrese. Por tanto ordeno y mando á todas las Autoridades civiles y militares de mi dependencia, y á las que no lo son pido y encargo que no le pongan impedimento en su viage sin justa causa, y antes bien le presten auxilio y proteccion en caso necesario. Al efecto hice expedirle el presente Pasporte, que solo tendrá valor por un mes contado desde su fecha.

Dado en la ciudad de Buenos Aires el dia veinte y seis del mes de Septiembre del año de mil ochocientos veinte y uno.

De órden de S. E.
El Secretario en los Departamentos de Gobierno y Relaciones Estrangeras

Rivadavia

DERECHOS NUEVE PESOS.

289 *"Facsimile reproduction of a fragment of the Gazette of Madrid where it is stated that the news that is transcribed from the Malvinas Islands has been taken from "England, London, August 3."* The *Gaceta de Madrid* was a publication that ran from 1697 to 1936. An organ of the Spanish Court from 1762.

290 *John M. Forbes to John Quincy Adams Sept 2, 1821* in Manning 1825 vol.1. Forbes sought compensation for the vessel's owners, but despite his complaints he was unable to gain any satisfaction.

291 Craine 1961 p.105 citing *Forbes to Adams September 2, 1821*

292 Caillet-Bois 1982 (6th ed.) p.187

293 Pascoe 2024 2nd edition vol.1. Charles Barnard recounted the story of his marooning in 1813; a story that Weddell mentioned in his 1825 book; albeit inaccurately.

294 Vernet's business partner, Conrad Rücker, was based in Montevideo. A that time a Brazilian province albeit contested by Buenos Aires. See July 18, 1821, above and 1828, below. Vernet is described as German; 30 years old; married; merchant; white; short in height; chestnut hair; full beard.

"The Governor of this Province Inasmuch as I have granted my permission to D. Luis Vernet so that he can freely pass to Montevideo taking with him his wife and a servant named Florencia. Therefore, I order and command all the civil and military authorities under my jurisdiction, and I ask and charge those who are not, not to impede him without just cause, and rather to provide him with assistance and protection if necessary. To this effect I had the present passport issued to him, which will only be valid for one month from its date. Given in the city of Buenos Aires on the 26th day of the month of September of the year 1821."

October 6th, by decree, Buenos Aires revokes all its privateering commissions; *"Minister Rivadavia's word was made good when, on the following October 6, the promised decree was issued. By this time, the original purpose of the privateers, that of driving Spanish ships from the seas, had been accomplished."*[295]

"So Forbes's protest against Jewett's capture of the Rampart, together with other complaints against privateering vessels, had its desired effect, and Buenos Aires, indirectly disavowed Jewett's action." [296]

October 21st, in Buenos Aires, responding to Lt. Colonel Oyuela's complaints, a decree for the regulation of fishing on the Patagonian coast is proclaimed. [297]

*"The Honorable Junta, having taken into consideration the Project of Law concerning the Fishery on the **Coast of Patagonia**, and the encouragement of that Establishment, which Project Your Excellency in your Note of the 1st instant advises them to approve, have, in their Sitting of the 20th instant, sanctioned the Articles contained in the Project in the manner following:*

Art.1. It shall be lawful for the Natives and Inhabitants of the Provinces to export from, and import into, any point of it, as well as to re-export, free of all Duties, the produce of the Fishery, as well as that of the chase of amphibious animals, of the Patagonian coast, in National Vessels; - if they employ in it Foreign Vessels they shall pay one dollar per ton, on their departure from that coast..." [298]

"... where the unsettled shore, although under the nominal sovereignty of one nation, is in fact possessed by independent uncivilized tribes, the right to exclude other nations from the use of the shores, stands on a much less stable footing. This is the case with all the continent of South America to its extremity, from the Rio Negro or Rio Saules, in latitude 41, and also with the adjacent islands of Terra del Fuego and Staten land. On the Pacific side, the Arancaunians [Araucanians], and on the Atlantic the Puelches, Patagonians, and other tribes, are perfectly independent. To the common use of these shores, therefore, there can be no reasonable objection. How far the present Government of Buenos Ayres is entitled to the extent of territory necessary to establish a right over these fisheries, even supposing them to be attached to the Sovereignty of the country, is another important question to which your attention must be turned, and which we have not the means of determining here. The Vice Royalty of Buenos Ayres under the Spanish Government comprehended several provinces on

295 Craine 1961 p.106. See also *British & Foreign State Papers 1821 – 1822 p 386. cf. British & Foreign State Papers 1828 – 1829* p.1198

296 Pascoe 2022 vol.1 p.452. There was no suggestion that the decree was retrospective.

297 Fitte (*La agresión norteamericana a las Islas Malvinas* 1966) refers to the fishing law of September 22, 1821. Other sources, including Congressional session papers, to October 21/22, 1821. This may merely reflect the gap between this decree being signed off and then being publicised.

298 My emphasis. Signed by Santiago Rivadavia (younger brother of Bernardino) who was President of the Buenos Aires Provincial Board. The coast of Patagonia, not the Falklands. What right the Provincial Government of Buenos Aires had to enact legislation over the Patagonian coast was not stated. Questioned in the Argentine Senate in 1882, Senators found it wanting. This decree assumes importance because it was used as the founding legislation for an 1828 decree that first granted territory on the Island of Soledad to Luis Vernet. *cf.* 1828, 1829, 1831, 1879 & 1882

both sides of the La Plata, these now form separate Governments as far as their unsettled state will allow us to judge of their condition: But that Patagonia was ever included in the Province of Buenos Ayres proper, is not believed. A project was formed by the Spaniards in 1778 of forming settlements there, but although the settlers came out to Monte Video, the project was abandoned, and the whole of the continent, and Islands of Terra del Fuego and Staten land remain as unsettled and desert now as they were found at the time of their discovery."[299]

"... but no allusion is made to the Falkland Islands..." [300]

"... the law of 22 (sic) October 1821, which was provincial law of the Junta of Buenos Aires, ..; was simply a decree that was intended to establish some surveillance in those coasts. ... it had not been authorized by the General National Congress, ..." [301]

"This law proves the full and absolute jurisdiction that the government of Buenos Aires exercised over the Patagonian coasts and adjacent islands." [302]

November 6th, a Buenos Aries tribunal, examining the 1820 mutiny on *Heroina,* approves Colonel David Jewett's actions in suppressing it. [303]

November 10th, the *Buenos Aires Argos* prints a report from Europe.

> *GIBRALTAR – Agosto de 1821 – Colonel Jewett of the navy of the United Provinces of South America, and commander of the frigate Heroina, in a circular date 9 November of 1821 in the port of la Soledad, warns that on the 6th he took possession of the Falksand (sic) in the name of the said provinces. (Redactor of Cadiz)* [304]

"... in 1820 Britain had not yet recognised the independence of the South American republics from Spain. It was unnecessary, then, for her to protest against Jewitt's actions because any actions in the name of an independent Argentina were not considered legitimate." [305]

December 6th, Captain George Powell and Nathaniel Palmer, on the British sealer *Dove*, discover the South Orkney Islands.

December 7th, Powell lands; claiming the South Orkneys for Britain.

"Captain Powell states in his journal that on that day he landed on these islands and took possession of them in the name of King George the Fourth, leaving a bottle containing a note of this transaction, and naming the island on which he landed 'Coronation.' ..." [306]

At the South Shetland Islands, *Caroline*, out of Sidney, Australia, hunts for seals.[307]

---

299 *US Secretary of State Livingston to Francis Baylies, January 26, 1832* in *Diplomatic Correspondence of the United State, Inter-American Affairs: vol.1 Argentina 1831-1860* William Manning 1932

300 Greenhow 1842

301 *Congreso Nacional: Camara de Senadores: Sesion de 1882* p.311. *cf.* 1879 & 1882

302 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887. Fanciful, at best. None of the decree's articles referred to adjacent Islands.

303 *David Jewitt: Una Biografia para la historia de las Malvinas* Jose Antonio da Fonseca Figueira 1985. The tribunal record, as with so many Jewett papers, has simply disappeared.

304 There was no reaction from the government of Buenos Aires. By this time Luis Vernet had established an estancia on the Rio Salado, some 100 km south of Buenos Aires. Tempting to speculate that he read this.

305 *Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands.'* John Muffty in *The Historical Journal,* 29.2 1986 pp 427-432

306 *FO 371/4 Admiralty to the Colonial Office 24 January 1906*

307 Pearson 2018 p.119

1822 – January 15th, Buenos Aires issues a second decree prohibiting; *"... fishing for amphibians on the coasts of Patagonia, until further resolution."* [308]

February 12th, in Madrid, a *Cortes* committee reports on an approach to dealing with Spain's revolted colonies.

"... all treaties between Spanish leaders and American governments (such as that of O'Donju with Iturbide in Mexico) should be null, as respects the acknowledgment of independence;.." [309]

At the Falkland Islands, Australian sealer *Lynx* refreshes before the journey home. [310]

Jane (Weddell) hunts at the South Orkney Islands.

March 7th, at the South Shetland Islands, *Robert* is lost. [311]

Jane (Weddell) and *Beaufoy* (McLeod) sail for England.

March 8th, US President Monroe tells the Senate and House of Representatives that Colombia, Chile, Peru, Buenos Aires and Mexico are; *"... in the full enjoyment of their independence,"* and had *"... a claim to recognition by other Powers which ought not be resisted."*

> *"The revolutionary movement in the Spanish Provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement. ... Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character. This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810. ...Thus it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of war and other circumstances, that there is not the most remote prospect of their being deprived of it. ...*
>
> *Of the views of the Spanish Government on this subject, no particular information has been recently received. ... Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition. In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them."* [312]

March 9th, in Washington DC, Joaquin de Anduaga, Spain's Minister to the USA, responds to Monroe's speech in a letter to Secretary John Quincy Adams.

> *"Sir: In the National Intelligencer of this day, I have seen the message sent by the President to the House of Representatives, in which he proposes the recognition by the United States of the insurgent Governments of Spanish America. ... what is the present state of Spanish America, and what are its Governments, to entitle them to recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new despots produced, who disappear the next. ...*

308 Caillet-Bois 1982 p.187. Again there was no mention of the Falkland Islands.
309 Ireland 1938 p.326
310 Pearson 2018 p.118. Arrived in Sydney, June 1822.
311 *Ibid.* p.115
312 *Special Message to Congress March 8, 1822* quoted in Craine 1961 p.122

Where, then, are those Governments which ought to be recognised? where the pledges of their stability? where the proof that those provinces will not return to a union with Spain, when so many of their inhabitants desire it? and, in fine, where the right of the United States to sanction and declare legitimate a rebellion without cause, and the event of which is not even decided? …

I think it my duty to protest as I do solemnly protest, against the recognition of the Governments mentioned, of the insurgent Spanish provinces of America, by the United States, declaring that it can in no way now, or at any time, lessen or invalidate in the least the right of Spain to the said provinces, or to employ whatever means may be in her power to reunite them to the rest of her dominions." [313]

"It is widely accepted by writers on international law that official protests have the effect of keeping a claim alive, though without changing or strengthening it. Anduaga's letter was a valid protest asserting Spain's claim to her territories in South America (including the Falklands of course). That protest kept Spain's claim, such as it was, alive for some while longer." [314]

March 19th, the US Committee on Foreign Relations opines that the nations of Spanish America are *de facto* independent.

"Monroe's address and the documents submitted by Secretary of State Adams were turned over to the House Committee on Foreign Affairs, who reported on March 19, 1822, that recognition of the Spanish-American governments would only be recognition of an existing fact. Thus, United States recognition would in no way furnish them assistance in breaking the bonds between Spain and her colonies, for no bonds actually existed. The committee also pointed out that Spain had not sent a company of soldiers to South America for three years." [315]

March 20th, sailing out of Gibraltar, the privateer *Heroina* is challenged by a Portuguese frigate, *Pézola*. Colonel Mason surrenders. Forty-five members of the *Heroina's* crew "*spontaneously*" confess that her real employment is piracy. [316]

"… having verified through the testimony of the witnesses questioned by the Portuguese Consul in Gibraltar the suspicion that the Corveta Heroina had been the one that had seized the Portuguese Ship Viscountess of Rio Seco, and therefore giving orders to the Frigate Perola to have the Corveta Heroina conducted to the Port of this Capital as soon as it left the sea, the execution of this order was carried out, and the Corveta Heroina was taken from Gibraltar on the morning of the day." [317]

Mason is questioned by the Captain of the *Pézola*.

"The Commander of Corveta Heroina, Guilhermo Roberto Masson, declared in the legal questions that he was asked aboard the same Corvette = that the legitimate owner of this was the government of Buenos-Ayres, and that the Commission to which she was sent to sea in April 1820 consisted of crossing and apprehending all the Ships of Nations that were enemies of that Government, receiving from them the Instructions of [f. 12 of the Appendix D] with a recommendation to follow the other Instructions printed by order of the said Government in the year 1817. Most of the Officers, and other people from the Heroina's crew, also declared that they belonged to the Government of Buenos-Ayres, and that they came to wage war against the Spanish Flag." [318]

313 Manning 1932.
314 Pascoe 2020 p.75. Moot.
315 Craine 1961 p.122
316 *Francis Baylies to Edward Livingston January 1, 1833*
317 *Noticias Nacionaes Lisboa 6 de Maio* in *Diario do Governo Abril – Junho de 1822* from p.752
318 *Ibid.* The instructions of the Buenos Airean Government appears to have been a reference to the corsair regulations of 1817. No mention of making a claim to any territory.

In Philadelphia, Carey and Lea publish an atlas with a chart of South America – *A Complete Historical, Chronological, And Geographical American Atlas, Being A Guide To The History Of North And South America, And The West Indies ... To The Year 1822 ...* (detail right). There is a separate entry for the United Provinces of South America.

> *"This extensive portion of South America was formerly known by the name of La Plata or Buenos Ayres; but since the revolution the name has been changed to the United Provinces of South America. The United Provinces are situated between 12° and 40° 45' S lat and 51° 10' and 69° 45' W long. It is bounded north by Peru and Brazi; east by Brazil; south by Patagonia and the Atlantic Ocean; and west by Chili and the Pacific Ocean, and Peru. Its mean length, from north to south, is about 1800 miles..."*[319]

March 28th, in Washington DC, the US House of Representatives pass a resolution. [320]

> *"That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence, and are in the enjoyment of it, ought to be recognized by the United States as independent nations. That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding one hundred thousand dollars, to enable the President of the United States to give due effect to such recognition"*

April 6th, US Secretary of State Adams, responds to Spain's Minister asserting that recognition of South American independence was not intended to invalidate any rights Spain had, but was merely an acknowledgment of the existing situation.

April 22nd, at the Rio de la Plata, the British brig, *Romeo,* arrives from the *Islas Nuevas*. [321]

April 30th, in Lisbon, Portugal, Colonel William Mason, captain of *Heroina*, stands trial at the Admiralty Court on a charge of piracy. [322]

> *"... the Commander of the Heroine presented as an act of her ownership, and authorization as a Corsair, passed in the name of the Supreme Director of the Provinces united to the South of America , written the first in French, and the second in Spanish, given to the first Commander of the Heroine*

319 A little behind the times.

320 *The Political History of the United States of America During the Period of Reconstruction:...* Edward McPherson 1880 p.351

321 *AGN Sala X 42-3-10.* Either the French name for the Falklands, given them by Frézier (1716) or a reference to New Island which is one of the most westerly of the Falklands' group?

322 See https://falklandstimeline.files.wordpress.com/2018/04/jewett-mason-trial-for-piracy-in-lisbon-1822.pdf

David Jeevitt (sic) on January 15, 1820, and endorsed by him, or transferred to the current Commander Masson (sic) on April 22, 1821, expressly declare that the Heroine of a Buenos-Ayres War Corvette, and which was intended to wage war on the Spanish Flag, imposing an obligation on the Commander to avoid any kind of abuse or disorder that could be committed at sea with the Flag of Buenos-Ayres, and must recognize on their Cruise all Commercial Vessels and vessels armed in War that sail with the said Flag, examining the legitimacy of their Patents, whether they are valid, and the use that has been made of them, repressing, and punishing all types of excess committed to the detriment of Friendly or Neutral Flags.

Forty-five men of Heroine's crew, spontaneously confessed … that this corvette carried out the infamous piracy trade, stealing at sea all the ships it could, … it is stated very specifically that the Heroine, having found in the first days of August 1820, at the height of the Flores Islands, the Portuguese ship, Carlota, coming from Bahia with cargo for Lisbon, had taken it after two hours of combat, passing to its board the crew that remained in irons for five days until it was launched on a boat that was sailing from the Island of Faial to Flores, … and after some questions were raised because of the capture of Carlota, part of the crew of the Heroina saying that they did not come to (take ships) under the Portuguese Flag, the Commander of the Heroina, David Jeevitt, classified this procedure of his crew as a mutiny, and ordered the shooting of two officers, and four Sailors on a Sunday morning; and the same respondents also declared that Carlota, after spending a long time in Heroine's preserve, was lost in a storm." [323]

After noting the seizure of *Rampart* in the Falkland Islands by Jewett, the court goes on to detail the attacks by Mason upon both Spanish and Portuguese shipping during the period of his command. [324]

"The Commander, it appeared in evidence, was a North American (sic) of the name of William Robert Mason, and his commission was dated in April, 1820, authorising him only to molest Spanish vessels, enjoining, and imposing on him the obligation to avoid every abuse of his trust, and all irregularities on the high seas which might implicate the Buenos Ayres flag. In his cruize he was directed to overhaul every vessel, both armed and traders navigating under the Spanish flag, and examine their commissions and papers to see if they were legal, and the use made of them, and also to punish all excesses committed against neutral and friendly vessels. The Heroina was fitted out and commissioned as a vessel belonging to the Government of Buenos Ayres. On examination, however, 45 men, composing the crew, spontaneously confessed, that this corvette pursued a system of piracy, robbing all the vessels they could. From the depositions, it appeared, that early in August, 1820, in the latitude of La Isla de Flores, they met a Portuguese vessel, called the Carlotta, bound with a cargo from Bahia to Lisbon, which they captured, after an action of two hours. The crew were put in irons five days, and then sent on board a vessel accidentally met with. The captain of the privateer afterwards had two officers and four sailors shot; and his prize, the Carlotta, was lost in a storm. Towards the close of 1820, being at the Falkland Islands, an American schooner entered, which they captured, and sent to their consignee at Buenos Ayres. On the 14th June, they captured the Spanish brig of war, Maypu, bound from Lima to Cadiz and armed her to accompany them on their piratical expedition. In the latitude of Cabofrio, they chased the Portuguese brig, Infante Don Sebastian, firing at her, but being unable to come up with her, they chased a Portuguese galley to leeward, and the captain having come on board the Heroina, near Cape St. Vincents, accompanied by a slave, the pirates had the latter hung up to compel him to declare where his master kept his money. On the 12th July, 1821, they captured the Portuguese ship Viscondessa de Rio Sceo, near Bahia, which they took to the

323 *Noticias Nacionaes Lisboa 6 de Maio* in *Diario do Governo Abril – Junho de 1822* from p.752
324 The court also doubted the validity of the corsair licences produced by Mason, and the ownership of the ship by Lynch.

island of St. Vincents, conveying on board the privateer the greatest part of the moveable effects, and after selling the hull, they shipped the cargo in the American brig Aligator, and conveyed it to the island of Boa Vista, where it was transshipped on board the brig Hunter of London, for the purpose of going to Buenos Ayres. Numerous other similar cases are detailed in the proceedings." [325]

May 2nd, in London, the House of Commons debates Spain's South American colonies.

"Lord Londonderry ..., in answer to the questions of Sir James Mackintosh, (said) that whilst this government had neither formally recognized, or entered into any correspondence that would imply a recognition of, these new governments, it had nevertheless considered them as governments de facto;.." [326]

May 6th, in Lisbon, Mason is found guilty. Sentenced by Jose de Figueredo, Auditor General of Marine, to imprisonment. [327]

> *"All of this results in convincing proof that the Commander and crew of Corvette Heroina have been true parasites, who infested the seas, attacking the freedom of navigation. Therefore, and as far as I can tell, I consider the Corvette Heroina prized by the Frigata Perola to be a good value, and its product will be paid by the appraisers in accordance with the Law."* [328]
>
> *"Even supposing the Corvette Heroine to belong to the Government of Buenos Ayres, or to any private individual authorised to arm her, & was appointed to wage war against the enemies of the Republic; notwithstanding all this there is no doubt of her being a pirate and not a legal privateer, in virtue of the facts proved in the process: because all and every prize she took ought to have been competently tried and condemned, before any person should be suffered to touch any of the cargo ... circumstances that were never observed ... in direct violation of the instructions printed by the Buenos-Ayres Government in 1817, and which the Commander of the Heroine* ***was ordered to observe****."* [329]

"A great deal of money was made and lost by speculators, at the time privateering was allowed in Buenos Ayres. The last vessel that sailed was the Heroine (formerly the French Braak), commanded by a North American, named Mason..." [330]

"Thus the Portuguese prize court ruled that both Jewett and Mason had committed piracy, Jewett in capturing the Portuguese Carlota and the American Rampart, and Mason in seizing the Portuguese Viscondesa do Rio

---

325 *Morning Chronicle Friday, June 7, 1822*

326 Manning 1925 vol.3

327 *Noticias Nacionaes Lisboa 6 de Maio* in *Diario do Governo Abril – Junho de 1822* from p.752. Following an appeal by Sir Edward Thornton, Mason only served 2 years; eventually returning to Buenos Aires - *"Mason, the other commander of the Heroine an Englishman is now at Buenos Ayres a rich man – having escaped punishment as a Pirate as I have understood through the interference of Sir Edward Thornton."* (*Baylies to Livingstone January 1, 1833* quoted in Manning 1925).

328 *Noticias Nacionaes Lisboa 6 de Maio* in *Diario do Governo Abril – Junho de 1822* from p.752. The 126 crew, who appear to have escaped imprisonment, were listed as including 1 African, 1 German, 10 French, 1 Greek, 6 Spanish, 26 American Spanish (creoles), 2 Dutch, 42 English, 19 American English, 4 Indians, 7 Italians, 1 Portuguese, 2 Prussians, 1 Russian and 3 Swedes. None were noted as of Buenos Aires, suggesting that Anzoátegui had departed before the ship's detention..

329 Copy of the sentence of the Auditor General of Marine, Lisbon 1822 in Manning 1932. My emphasis. There ended the career of the *Heroina*. There also ended up the instructions to Jewett of 1820 which are much debated. No mention of sovereignty claims during the trial; it seems likely that they did not consider the instructions as anything more than standard references to obey the relevant regulations and not bring the flag of Buenos Aires into disrepute. They may still be gathering dust in a Portuguese archive.

330 *Five Years Residence in Buenos Ayres during the years 1820 to 1825* … G. T. Love 1826

Seco. … Jewett escaped conviction and imprisonment only because he was not present in court … Since by definition pirates operate outside the law, they cannot perform legitimate acts of territorial sovereignty. In international law Jewett's "act of possession" at Port Louis was invalid." [331]

In **June**, David Jewett leaves Buenos Aires to take up a post in Brazil. [332]

"In Buenos Aires Jewett did not enjoy a good reputation, particularly amongst the community of North American residents who considered him to be a bandit and a pirate." [333]

June 21st, Spain's Court circulates a *'Manifesto'* to European Governments, and the United States, regarding the "*dissident Spanish provinces of America."* To inform Spain's allies that King Ferdinand has never renounced his, *"… legitimate acknowledged rights."* [334]

August 3rd, from the River de la Plata, *Adeona*, under the command of Capt. Low, sails for the Falklands. [335]

August 8th, in London, Minister George Canning outlines his views regarding recognition of new States in South America. He outlines three "*recognitions*" - 1) The recognition *de facto* of what is; 2) a more formal recognition of *Diplomatic Agents*, and; 3) recognition *de jure* which professes to decide upon title and restrict the rights of the former occupant. [336]

September 17th, James Weddell departs England in the brig, *Jane*, bound once again for the southern oceans. *Jane* is accompanied by the cutter *Beaufoy*, now commanded by Matthew Brisbane. [337]

During early **October**, in preparation for the *Congress of Verona*, Lord Londonderry asks the Foreign Office for information on South America. All available records are collected together by a clerk, Woodbine Parish.

In London, a map by John Purdey is published by the chart-seller R. H. Laurie, showing the Falklands archipelago with West Falkland Island named the *Great Maluina or Falkland Island*. East Falkland Island – depicted as dramatically smaller than its partner – is named *Soledad or Little* Maluina.

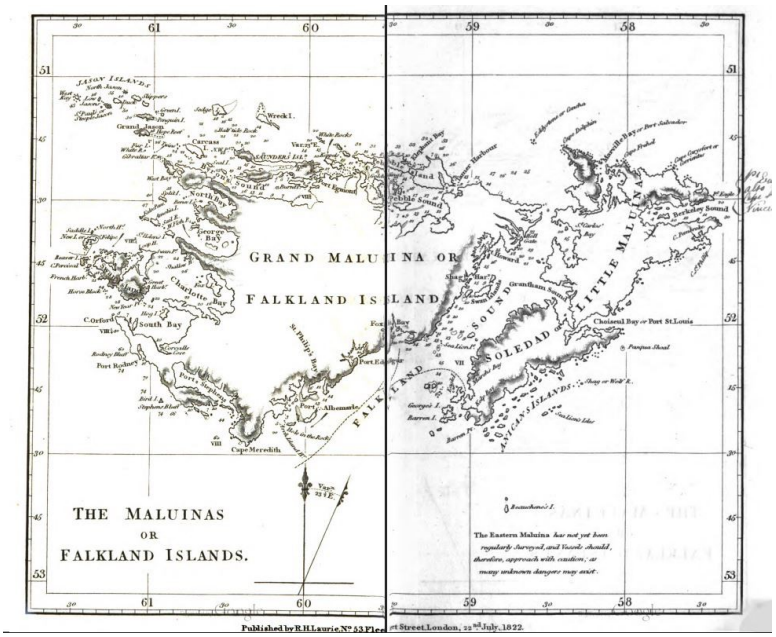
The chart also features in a book (see next page). [338]

> *"22. FALKLAND'S ISLANDS, the MALUINAs of the Spaniards.-These islands have borne different names, successively imparted by the older navigators. They are supposed to be the PEPY's LAND of Cowley 1584 (sic),*[339] *and Sir Richard Hawkins, ten years after, 1594, called them VIRGINIA and MAIDEN LAND, in honour of Queen Elizabeth.*
>
> *In 1639, Captain Strong gave the name of FALKLAND to the strait which divides the two larger islands, and this name has since been extended to the whole group. In 1706 they were visited by some French from St. Maloes, whence the name of MALOUINEs and MALUINAs, given them by the French and Spaniards. An attempt was made by M. de Bougainville, in February, 1764, to establish a small colony on the eastern island. Their port was in the Bay of Accaron, or Berkeley Sound.*

331 Pascoe 2020 p.70
332 Peter Pepper in Tatham (ed.) 2008 p.310
333 Bullrich 2000 pp.95-96
334 Manning 1925 vol.3 p.2017
335 There were two British Lows commanding sealing vessels, brothers William and Andrew. There is no information as to which this was, but it is likely to have been Andrew who was most associated with this particular vessel. *cf*. 1827
336 *FO 139/49* quoted in *The Creation of States in International Law* James Crawford 2007 (2nd ed.)
337 Weddell 1825
338 *Memoir, Descriptive and Explanatory, to accompany the new Chart of Ethiopic or Southern Atlantic Ocean, with the Western Coasts of South America, from Cape Horn to Panama. … composed from a great variety of documents, as enumerated in the work, by John Purdy, hydrographer* 1822. Laurie described himself as "*chart-seller to the Admiralty.*"
339 William Ambrosia Cowley visited the islands in 1684

Wood was procured from the Strait of Magallan, for the construction of dwellings, and a fort of clay, dedicated to St. Louis, was erected. European grain was sown with success, and the cattle increased.

The court of Spain, however, claiming the islands, the French establishment, after it had existed two years, and amounted to one hundred and fifty individuals, was withdrawn; Spain refunding the expenses of the speculators. In 1764 the English took possession of the western island, and formed a settlement at Port Egmont, on the north side, which was continued, at the risk of a war, until 1774, when, being found totally useless as a commercial station, the islands were abandoned to Spain, who seems to have made no use of them, than a place for the transportation of convicts. ***Recently*** *they have been* ***taken possession of****, in a formal manner,* ***as*** *belonging to the United Provinces of South-America."* [340]



October 14th, in the Falkland Islands, sealer *Fanny*, arrives at New Island.

October 18th, *Wasp*, (Benjamin Morrell) anchors at New Island.

October 29th, *Wasp* moves to Port Louis/Puerto Soledad. [341]

> *"We arrived at Port Louis Harbour, or bay, on Tuesday the 29th, and at two o'clock, P.M., came to anchor in three fathoms of water, near the ruins of St. Louis. It was here the French planted their little colony in 1764, ... They called this sound the Bay of Acheron... It may be mentioned ... that there is a little strait at the north side of the English Maloon, which we passed through, called Hell's Backdoor. This French colony, I believe, never amounted to more than one hundred and fifty souls, and the remains of about thirty of their houses are still standing."* [342]

In **November**, *Wasp* and *Henry* (Robert Johnson) arrive off South Georgia.

"(Morrell's) ship's boats allegedly circumnavigated the Island in three days without seeing seals." [343]

---

340 Purdey 1822 p.33. My emphasis. *cf.* 1774 & 1820 Larger versions can be found here (West Falkland) - https://falklandstimeline.files.wordpress.com/2019/02/3.png and here (East Falkland) - https://falklandstimeline.files.wordpress.com/2019/02/4.png

341 There was no apparent recognition that the Spanish had been in the same place (Puerto Soledad) from 1767 to 1811. A three year occupation by the French, was better known than a 44-year sojourn by Spain.

342 Benjamin Morrell quoted in Pascoe 2022 vol.1 p.508 citing *A Narrative of Four Voyages, to the South Seas, North and South Pacific Ocean, Chinese Sea, Ethipoic and Southern Atlantic Ocean, Indian and Antarctic Ocean. From the Year 1822 to 1831...* Benjamin Morrell 1832. *English Maloon* is a reference to West Falkland Island (see 1813). *Hell's Backdoor* appears to be a reference to the Tamar Pass.

343 Dickinson 2007 p.67

In Buenos Aires, Robert Schofield, an English born resident applies for a licence to kill cattle on Soledad Island.

"In the latter part of the year 1822... applied to the Government of the Colony (Buenos Aires), for the right to kill the Cattle on the East Falkland Island;.." [344]

November 18th, in Berkeley Sound, a French ship *Coquille,* commanded by Louis Isidore Duperrey, on a round-the-world voyage, anchors. 163 specimens of the islands' flora are collected for botanical examination. [345]

> *"... I fixed my observatory on the 25th near the old Establishment of St. Louis, in French Bay... Several officers and the master gunner were appointed to procure fresh provisions during our stay. Every day they sent on board either in beef, hogs, hares, geese, and ducks, a quantity more than sufficient for the crew of the corvette."* [346]
>
> *"As I went to visit Port Louis, the first step I took on the strike placed me in front of a tomb: a slate was used as a tomb inscription and a mausoleum for a poor English sailor whose ashes rested in peace at such a great distance from his homeland. The silence of death that Reigns on these lands, interrupted only by the screaming voices of a few water birds, a cloudy sky, a sun without strength, reddish Meadows, mountains of sandstone with whitish hue, brick houses of which there are only ruins left, all gave rise to many reflections on this Antarctic land, unproductive and thrown at the borders of the world."*[347]

"... they pitched their tents among the ruins of Port Louis, and remained till 18 December. The expedition was led by Louis-Isidore Duperrey (1786-1865), who wrote a long account of it, as did his naturalist, René Primevère Lesson (1794-1849). They used only Bougainville's French names for places in the islands, as did Freycinet in 1820. Like the United States, France did not regard the islands as Argentine, British or Spanish territory, and the French involvement in the islands in the 1820s and 1830s worried the British government."[348]

Captain Duperrey visits the wreck of *Uraine*.

"The remains of the corvette had almost entirely disappeared under the sand of the upper part of the beach, where the violence of the sea during easterly gales must have carried them. But the projecting parts which were exposed to view bore the distinct marks of fire and of the axe, which did not surprise us, reminding us of the numbers of whalers which customarily frequent these waters, .. All the cannons which still lay here and there on the beach had their breech knobs broken, ..." [349]

December 18th, *Coquille* sails.

---

344 *Protest of Schofield's widow – December, 1832* in *FO 6/499.* Unconfirmed. The Schofields had arrived in Buenos Aires in January 1821. Robert Schofield (25 years old?) appears to have given his wife an account of subsequent events which could not be substantiated. See below. *cf.* 1823 & 1824

345 Duperrey had accompanied Freycinet aboard *Uranie,* so he knew Berkeley Sound. It may be that his purpose also included an inspection of the *Uranie* and to assess the potential for recovery. See 1820.

346 Quoted in the *Morning Advertiser July 24, 1823.* The author was not identified.

347 *Voyage Autour du Monde enterpris par Order du Government sur la Corvette la Coquille* Rene Primevere Lesson 1838. Lesson was the surgeon and a naturalist aboard *La Coquille*.

348 Pascoe 2020 p.75. Picture from the Freycinet Collection

349 Duperrey quoted in Pascoe 2022 vol.1 pp.511-512 citing *Voyage Autour du Monde, ... 1822, 1823, 1824 et 1825 ...* Luois-Isidore Duperrey 1829. See 1820 above.

1823 – January 15th, the *Public Ledger & Daily Advertiser* report; *"Commodore Jewett had arrived at Rio from Buenos Ayres, and was appointed to command the Brazilian frigate Union."* [350]

January 27th, in Washington DC, Caesar Augustus Rodney is appointed Minister Plenipotentiary to the Government of Buenos Aires, by the President of the United States. [351]

> *"In every question relating to the independence of a nation two principles are involved, one of right and the other of fact; the former exclusively depending upon the determination of the nation itself, and the latter resulting from the successful execution of that determination. This right has been recently exercised as well by the Spanish nation in Europe as by several of those countries in the American hemisphere which had for two or three centuries been connected, as colonies with Spain. In the conflicts which have attended these revolutions the United States have carefully abstained from taking any part, respecting the right of the nations concerned in them to maintain or reorganize their own political constitutions, and observing, wherever it was a contest by arms, a most impartial neutrality; but the civil war in which Spain was for some years involved with the inhabitants of her colonies in America has, in substance ceased to exist. … Under these circumstances, the Government of the United States, far from consulting the dictates of a policy questionable in its morality, yielded to an obligation of duty of the highest order by recognizing as independent states nations which, after deliberately asserting their right to that character, have maintained and established it against all the resistance which had been or could be brought to oppose it.* ***This recognition is neither intended to invalidate any right of Spain****, nor to affect the employment of any means which she may yet be disposed or enabled to use with the view of reuniting those provinces to the rest of her dominions.* ***It is the mere acknowledgment of existing facts*** *with the view to the regular establishment with the nations newly formed of those relations, political and commercial, which it is the moral obligation of civilized and Christian nations to entertain reciprocally with one another."* [352]

"The relations of the United States with Buenos Ayres, however, hitherto, so far as they have been sustained by agents of the respective governments have been informal and disconnected. … Its internal convulsions and revolutions have been many, and are yet far from being at their close… The first establishment of the Buenos Ayrean government was under the ambitious and aspiring title of "the Independent Provinces of South America". It was afterwards changed for that of the Independent Provinces of La Plata, which it is believed still to retain. But it is far from embracing within its acknowledged authority all the provinces situated on that river, and ***for the last two or three years, its effective government has been restricted to the single province of Buenos Ayres****."* [353]

"It does not appear from anything in this office, that any Government under the title of that of "The United Provinces of the Rio de Plata" was ever acknowledged by this. It may be well to state, however, that the same Government, under the title of "The Government of Buenos Ayres" was first formally acknowledged or recognized by the Government of the United States … by the appointment of Mr Caesar Rodney, on the 27th January, 1823…" [354]

---

350 *Public Ledger & Daily Advertiser* January 15, 1823. Repeated in the *Morning Post* February 1, 1823

351 The USS *Congress*, designated to transport Rodney and his family to Argentina, was first ordered to take a new US Minister to Spain. As a result of this diversion, Rodney did not arrive in Buenos Aires until November, 1823. *cf.* December, 1817 & December, 1823

352 John Quincy Adams quoted in Craine 1961 pp.133-134. My emphasis

353 *John Quincy Adams to Caesar Rodney May 17, 1823.* My emphasis

354 Martin Van Burren, US Secretary of State, September 24, 1830 in *A Digest of International Law …* John Basset Moore 1906 vol. pp.90. Taking Van Burren's comments as definitive of the USA's position in 1830, it seems beyond doubt that all that was being recognised in 1823 was Buenos Aires.

"The doctrine supported by Adams had been stated by Vattel and implied by other writers on international law. Adams insisted that recognition of a government depended on its established authority, not right but fact. … When recognition came, accusations were thrown at the United States by the Spanish-Americans and Spain that only self interest motivated such action. The insurgents reminded Americans then and later that they alone were responsible for their independence. Such arguments only support Adams' stand. His position was strictly legalistic with cognizance of international law,.." [355]

During **February**, James Weddell on *Jane* penetrates further into the Southern Ocean than anyone before him.

"... during the progress of his fishing voyage he penetrated into 74.15 South Latitude between 28 & 30 West Longitude where he found a fine open sea, which appeared to be free from ice and icebergs as far as could be seen to the southward from the Masthead of the Vessel." [356]

February 5th, at the Falkland Islands, Capt. Low hunts seals in *Adeona*. [357]

March 12th, at South Georgia, *Jane* (Wedell), accompanied by *Beaufoy* (Brisbane), anchor in Adventure Bay on the south-west coast. [358]

"The island is about 96 miles long, and its mean breadth about 10. It is so indented with bays, that in several places, where they are on opposite sides, they are so deep as to make the distance from the one side to the other very small. Near the west end, in particular, there is a neck of this kind, about half a mile broad, over which boats are frequently transported. The tops of the mountains are lofty, and perpetually covered with snow;.." [359]

April 14th, in London, Foreign Secretary Canning addresses the House of Commons.

> *"With respect to the provinces in America which have thrown off their allegiance to the crown of Spain, time and the course of events appear to have substantially decided their separation from the mother country;... Spain has long been apprized of His Majesty's opinions upon this subject... As Spain had now an active and powerful European enemy, it became necessary for England to declare in what light she looked upon the struggling provinces of South America: for as Spain still retained the dominion de jure over them, though she had lost the dominion de facto; as France might send forth her fleets and armies to seize and conquer them: and as, at the conclusion of the war, arrangements might be made between the two nations regarding the conquest or the cession of them, the British government had felt itself called upon to state, that it considered the separation of the colonies from Spain to have been effected to such a degree, that it would not tolerate for an instant any cession which Spain might make of colonies, over which she did not exercise a direct and positive influence. To such a declaration the British government had at last been forced."* [360]

April 30th, off the Falklands, the *Hebe*, bound for Lima, is reported as "*spoken to*". [361]

May 11th, *Jane* (Wedell) and *Beaufoy* (Brisbane) arrive at the Falklands for the austral winter. [362]

---

355 Craine 1961 p138
356 *FO/6/6/43*. Reported to London on June 21, 1824.
357 Reported as "*spoken to*" in the *Caledonian Mercury* June 16, 1823
358 *Memoir of the North & South Atlantic Ocean…* James Imray 1847
359 Weddell 1827
360 Canning's fear that France would tilt the European balance of power by seizing Spain's old colonies in the Americas made him a little over-eager to recognise as nations, territories that were not yet fully formed; had not achieved a central administration or had been unable to gain control over all the territory that they claimed.
361 *Gore's Liverpool General Advertiser August 28 1823*
362 Remained until October 7, 1823

July 4th, Buenos Aires agrees a Preliminary Peace Convention with Spanish Commissioners. [363]

"... the Cortes mediated opening negotiations with the Colonies on the basis of Colonial independence, negotiations, which were, in fact, subsequently opened, and carried to a successful termination with Buenos Ayres, though they were afterwards disavowed by His Catholic Majesty." [364]

In the area of the Rio de la Plata, a long spell of dry weather creates problems for cattle ranches; made worse by the Government in Buenos Aires refusing to allow prices to rise.

"The year of 1823 was one of great drought, and the cattle perished by thousands: the beef market was in so terrible a condition, that scarcely any were to be had, and what there was, was very bad ..." [365]

August 5th, in Buenos Aires, Jorge Pacheco and Luis Vernet agree to become partners in a business venture. Their plan is to hunt the wild (feral) cattle on Soledad Island. Vernet is to fund and organise an expedition. Pacheco is to use his contacts to obtain a *usufruct* (licence) from the provincial government. [366]

"In 1823 the United Provinces of the Rio de la Plata, which had declared their independence of Spain in 1816, did not possess a real national government. The governor of the province of Buenos Aires, General Martin Rodriguez, was acting as the chief executive of the so-called United Provinces." [367]

"Jorge Pacheco (as determined in art. 19) would initiate efforts on their behalf to increase the likelihood of outright success, but the other partner would receive half of all profits. Vernet would be responsible – given his commercial and maritime knowledge – for the management of the company." [368]

"... descended from domestic animals (the cattle brought by Bougainville and the Spaniards). ... Pacheco and Vernet at once saw a source of profit in exporting their valuable hides." [369]

"... Pacheco was married to Dionisia Obes, sister of Cipriana Obes, wife of the Spanish naval captain Bernardo Bonavia, who had served three tours of duty as commandant of the Spanish presidio in the Falklands between 1802 and 1808. It was thus ultimately from Berdardo Bonavia that Pacheco and Vernet learnt of the "wild" cattle on East Falkland..." [370]

The agreement provides for the venture to be sub-contracted to another; but, if that does not happen, then Luis Vernet is to go to East Falkland to supervise the operation. [371]

Researcher's Comment: This is the start of Vernet's story. Very much Vernet's story, as he is the one who told it. Sadly, Vernet was not always truthful. His version of events had it that Pacheco was owed a large sum of money by the Government; although exactly which Government is not clear. That of 1810; the United Provinces of South America/Rio de la Plata, or Buenos Aires?[372] And 100,000 silver pesos was a very large sum of money. No explanation was ever offered as to how Pacheco had come to be owed this sum. According to Vernet's story, he had been lending money to Pacheco since 1819, which had amounted to 2,000 silver pesos by 1823. Their agreement was, apparently, that when Pacheco was paid, Vernet would receive 50% of the monies owed to

363 Manning 1925 vol.3 p.1499. Never ratified.
364 *George Canning to the Chevalier de Los Rios, Minister of His Most Catholic Majesty March 25, 1825. cf.* 1825
365 Love 1826. It must be assumed that the *estancia* financed by Luis Vernet near the Rio Salado, had also suffered.
366 Vernet and Pacheco clearly believed that Buenos Aires had the right to issue a licence. See September, 1820, above.
367 *South America and the Monroe Doctrine 1824 – 1828* William Spencer Robertson in *Political Science Quarterly* vol.30 No.1 (Mar. 1915) pp.97 & 98
368 Caillet-Bois 1982 (6th ed.) p.193
369 Pascoe 2020 p.77
370 Pascoe 2022 vol.1 p.523
371 Caillet-Bois 1982
372 Pascoe (2020 p.77) suggests that it was Buenos Aires that owed the money. Province or City is not stated.

Pacheco. 50,000 pesos for 2,000. Such was Vernet's story. The narrative suggests that Pacheco was aware of the wild cattle because he was related by marriage to an ex-*comandante-gobernador* of the Spanish garrison at Soledad. However, an Argentine historian of some note, Caillet-Bois, had it that Pacheco was first informed of the cattle and the idea of hunting them in September, 1820 by another military man involved in Buenos Airean politics – General Martin Rodríguez. A name that comes up more than once as this story unfolds. Caillet-Bois did not provide any source for this assertion, but it should be noted that he was granted unusual access to the Vernet family papers – many of which have now been lost. Worth noting, in view of subsequent events, that Vernet was also creditor to another, an Englishman named Robert Schofield.

Luis Vernet forms a separate partnership with Manuel Pasman, Miguel Ogando, Andrés Gelly and Henry Libanus Jones to obtain a *usufruct* from the government of Buenos Aires to hunt cattle on the Valdés Peninsula.[373]

From the Falklands, *Adeona* returns to Liverpool with a cargo of 4000 fur seal skins. [374]

August 19th, from London, US Minister Rush reports to Washington DC, that the British are on the verge of recognising one or more of the new American States; "*The measure in question was, to send out one or more individuals under authority from this government to South America, not strictly diplomatic, but clothed with powers in the nature of a commission of inquiry,..*" [375]

August 20th, asked about British intentions, British Foreign Secretary George Canning writes to US Ambassador Rush.

> *"1. We conceive the recovery of the Colonies by Spain to be hopeless. 2. We conceive the question of the Recognition of them, as Independent States, to be one of time and circumstances. 3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them, and the mother country by amicable negotiation. 4. We aim not at the possession of any portion of them ourselves. 5. We could not see any portion of them transferred to any other Power, with indifference."*

"Although officially neutral in the wars for independence, Britain made it clear that it would never allow Spain to reimpose its commercial monopoly in Spanish America and insisted that the region must remain open to British trade. With the Royal Navy in complete command of the Atlantic, Britain was also able to guarantee that no other European power intervened in Spanish America on behalf of Spain. Meanwhile, unofficially, 6,000 British officers and men fought alongside the insurgents, especially in Venezuela and Colombia, Peru and Bolivia." [376]

August 23rd, in Buenos Aires, Jorge Pacheco petitions Governor Martin Rodríguez. [377]

> *"The undersigned citizen has spent two thirds of his life in the midst of the arms and hardships of active service, he had also accumulated for his private purposes a fortune sufficient to maintain himself in his old age and to give a good start in life to his children; But with change in the political situation of these*

373 *Balleneros, Loberos y Guaneros en Patagonia y Malvinas: una historia socioambiental del mar: 1800-1914* S. C. Haller 2023. For an earlier reference to Henry Jones, see 1813. The distance between the Valdez Peninsula and Buenos Aires province is in excess of 1200km. Quite how Buenos Aires considered itself the licensing authority for an area so far away, in an unsettled area of Patagonia, remains unexplained.

374 *Liverpool Mercury* August 15, 1823

375 Manning 1925 vol.3

376 *Britain and Latin America in historical perspective* Leslie Bethell 1989 in *Britain and Latin America: a changing relationship* Victor Bulmer-Thomas (ed.) 1989

377 Cipriana Obes, Bernado Bonavia's widow, also applied for a licence for the Falklands. Granted but not used. See Caillet-Bois 1982 p.199 fn.24. Also *Las Malvinas Entre el Derecho y la Historia* M. G. Kohen & F. D. Rodriguez 2016 p.141.

provinces, war and fate caused him to lose all he possessed. Your Excellency is a good witness of what he has done for the country, and of what he had when the cry of liberty sounded; despite this he had determined to live in poverty rather than ask for help from the authorities of his country. But fate and events have led him to the hard decision to have to ask for the payment of special debts and compensation for his considerable losses.

In his misfortune he has conceived this to be his only hope, as misery has overcome him, and as he is now a beggar: and as he cannot conceive, after his own days are over, of a future for his family, but they being orphans, in extreme poverty and in tears. Seeking for a way to change such a miserable prospect, he has set his eyes on a speculation, which if his luck is not as bad as it has been up until now, will enable him, with the help of his friends, and his hard work, to give his children at least a modest future: and he has come to your Excellency to ask for the necessary permission and authorisation.

*The Island of **Soledad**, one of the seven (sic) with the general name of the Malvinas, abounds in **seals**, and must have some **cattle** and **horses** from those abandoned on the island. Because of the harshness of its climate it is deserted, and at the disposal of any foreign sailor, who has wanted to occupy it momentarily. It is to this place that the undersigned directs his speculation, in order to benefit from the **skins and oil of the seals**, as well as the **meat of the cattle** that are of a suitable age and state: for which purpose he will **reconstruct the buildings of the old presidio**, and promises to hand them over to the service of the Government if in the future it believes it might be convenient to use that establishment again.*

A firm confidence motivates the undersigned to petition the Government for its permission and the necessary authorisation, as he considers that when the expenses, risks and possible problems are his, he offers to the country a branch of industry which until now has been exclusively taken over by foreigners, it opens a new avenue for its commerce, leads to unknown income for the country from the capital to be obtained from this arid wasteland, and without asking the Government anything more than a decree giving him the means of saving himself from the abyss of misery, into which misfortune has fallen a citizen, father of six children, who unselfishly served the cause of his country." [378]

*"Don Jorge Pacheco and myself, convinced of the right of this Republic, and seeing it **recognised by the tacit and general consent of all Nations** during the 3 preceding years, solicited and obtained from the Government the use of the Fishery, and of the Cattle on the Eastern Malvina Island, and likewise tracts of land thereon, in order to provide for the subsistence of the Settlement we should establish there..."* [379]

"On Vernet's advice, Pacheco rewrote his application, which was submitted on August 23. In it he made a brief and sad memory of the services rendered to the country and how he had lost his fortune as a result of the continuous political upheavals." [380]

378 Quoted in Pasco 2022 vol.1 p.524 citing *AGN VII, 127, doc.22*. My emphasis

379 Vernet 1832. My emphasis. Despite this reference to '*3 preceding years*', Vernet's 1828/29 correspondence with the provincial Government suggests that he was unaware of Jewett's 1820 act of possession at the time Pacheco petitioned the government in 1823. As will be seen later, Vernet's 1832 report from which this quote comes, is believed to have been partly written by a lawyer, Dr. Valentin Alsina – who may have been putting words into Vernet's mouth. *cf.* 1832

380 Caillet-Bois 1982 (6th ed.) p.193

August 28th, the government's approval is noted in the margin of Pacheco's letter. [381]

> *"It not being within the **power** of the government to concede an exclusive privilege, or any right of property in the lands referred to, but nevertheless desiring to reconcile the interests of the petitioner within the limits of the authority it exercises, it concedes to him the permission that he requests to go to the Island of **Soledad**, one of the Malvinas, to make use of it in the terms that he has proposed, but in the knowledge that such a concession can never deprive the State of its right to dispose of that **territory of the world** as it might consider to best serve the general interests of the province, which will be ascertained in the future in accordance with how the resources provide the means of establishing himself there effectively and permanently. Return to the petitioner this original document, which decree will serve as sufficient authority."* [382]

"On the 28th of the same month the decree on the petition was announced, and Pacheco was granted the requested permission: To go to to the Island of Soledad, one of the Falklands, and to use it in the terms proposed, but in the knowledge that such a concession could never deprive the State of its right to dispose of that territory in the way most convenient to the general interests of the Province, and which will occur as soon as its resources give it the power to establish itself in it in an effective and permanent way..." [383]

"Vernet said later that when he embarked on the enterprise he was unaware of any British claim ..." [384]

"It is most odd that the government said it did not have the power to "concede an exclusive privilege, or any right of property" – why not? If the government saw the Falklands as being under the sovereignty of Buenos Aires, it would clearly have those rights ... One can only speculate that perhaps Buenos Aires was ... well aware of the British rights in the islands." [385]

Englishman Robert Schofield immediately applies to Pacheco and Vernet for a concession under their *usufruct*; offering 20 *reales* per head of cattle processed and ten thousand Spanish dollars (peso fuerte) in advance. With a penalty of 10,000 dollars, in case of non-fulfillment by either side. [386]

August 29th, Pacheco accepts Schofield's offer, and a provisional contract is drawn up while Schofield attends to business in the Banda Oriental.

"... at a subsequent period, he (Schofield), however, obtained a Grant including his Right in possession of the Land, with all and every the usual Liberties and privileges; which said Grant passed through the regular Forms, and was deposited in the Colonial Archives." [387]

---

381 Pascoe 2022 vol.1 p.524 fn.7 citing *AGN VII, 127 doc.22*. An act of a provincial administration, not the national government; there being none between 1820 and 1826. This was noted in a Senate debate in 1882. Seemingly signed by Governor Martin Rodriguez, and Chief Minister Bernardino Rivadavia (the latter's signature is clear, the other little more than squiggles). A rare government indeed where its two most senior officials sign a licence to hunt, at a place that others, particularly foreigners, hunted with impunity. Worth noting that both the request, and the licence, mentioned Soledad only; the *Spanish Maloon*.

382 My emphasis. The phrase, "*territory of the world,*" is particularly intriguing. Suggestive of a land unowned.

383 Vernet 1832

384 Cawkell 1983 p.32

385 Pascoe 2022 vol.1 p.525

386 *Vernet to Lafone April 9, 1837* in *AGN VII 130.* Already in debt to Vernet, Schofield had to have borrowed the money – from Vernet probably. Despite being Pacheco's partner, the extent of Vernet's involvement in this agreement is unclear. He would later imply that he had not been fully aware of what was going on. *cf. FO 6/500/337*

387 *Protest of Schofield's widow – December, 1832* in *FO 6/499. cf.*1832

"Robert Schofield made his presentation expressing his desire to acquire the grace; he offered twenty reals for each head of cattle he killed and five thousand silver pesos (sic) in cash as an advance. The offer was tempting, which was why the terms of the same were accepted, signing, on August 29, 1823, a provisional contract that was only to be formalized when Schofield returned from the Banda Oriental." [388]

"The (Government) concession was similar to that given to the cattle herders south of the Salado River in the Province of Buenos Aires. In return for the right to exploit the cattle and horses (Vernet) was tasked with renovating the existing buildings in Port Saint-Louis. Governor Martin Rodriguez and his Minister Bernardino Rivadavia – the future Argentine President, signed the decree authorising the concession. Pacheco, already 62 years old – an advanced age for those times – and Vernet had other business including his sister's estancia south of the Salado River, and a salting house on the Valdes Peninsula in Patagonia. It was therefore decided to subcontract the livestock exploitation on East Falkland to an Englishman, Robert Schofield." [389]

In England, following talks between Foreign Secretary George Canning and the French Ambassador, Jules de Polignac, the British minister is able to advise King George IV to extend diplomatic recognition to Buenos Aires, Colombia and Mexico. [390]

In early **September**, in London, Woodbine Parish applies for the position of Consul-General in Buenos Aires. [391]

September 22nd, Foreign Secretary George Canning agrees to Parish's appointment.

> *"The Admiralty will prepare a Ship of War to take you out, and a person who is not to be called so, but will in fact be a Political Agent, will go with you. You will be joined with him in Commission to report upon the state of things in the provinces of La Plata, and he will return to England with the result of the information so collected, and should that be satisfactory enough to justify the recognition of the New State, he will probably eventually be named Minister... You will have two Vice-Consuls with you, to be placed where you find it desirable upon your arrival at Buenos Ayres, and as you know Charles Griffiths, Mr. Canning will be very willing to appoint him as one of them."* [392]

October 7th, from the Falklands, Weddell and Brisbane sail towards the South Shetland Islands.

At the Rio de la Plata, Schofield purchases two ships for the expedition; a cutter, *Rafaela,* and a brig *Fenwick*. Neither is in good condition and there are debts attached to *Rafaela* which Vernet has to pay off. Schofield also charters the British brig *Antelope*. Pacheco and Vernet employ Pablo Areguati to oversee the expedition. [393]

"Mr. Schofield began to fit out an expedition with three vessels, incurring into great and useless expenses, and his means were exhausted to such a degree that he was unable to fit out the last vessel... The sanguine expectation we had formed of his ultimately succeeding in his enterprize & the advantages we expected to derive from the fulfillment of the contract, induced us to give him every assistance – The advance of which he had paid 8700 Dollars, was soon laid out again for his account etc and by my standing, besides security for several debts which were preventing him from proceeding on his voyage ..." [394]

---

388 Caillet-Bois 1982 (6th ed.)
389 Bullrich 2000 p.97. I can find no reference to Luis Vernet having a sister. He did have three brothers.
390 An agreement was signed in October, 1823, now known as the *Polignac Memorandum*.
391 Twenty-seven year old ex-private secretary to Lord Castlereagh. See October, 1822 above.
392 *Planta to Parish Sept 22, 1823*
393 It was stipulated in the Vernet/Pacheco contract that, in the event of the venture being sub-contracted to a 3rd party, a person of their choosing would also go to the island to oversee the sub-contractor's work.
394 *Vernet to Samuel Fisher Lafone April 9, 1837* in *AGN VII, 130* quoted in Pascoe 2022 vol.1 p.528

In Buenos Aires, Ignacio Nuñez is appointed Chief Officer at the Secretariat of Government and Foreign Relations. [395]

October 10th, in London, Woodbine Parish is formally named as British Consul-General to Buenos Aires; tasked primarily with the promotion of trade.

"*He will recollect always that his character is purely a commercial one, and his object expressly of a conciliatory nature.*" [396]

Parish is reminded that his function is also to keep the Secretary of State for Foreign Affairs appraised of events in Buenos Aires, and of anything that may; *"... affect British Commerce."*

"The first treaty between Great Britain and Argentina would be the appointment of Woodbine Parish, Esq., Consul on December 15, 1823 by the King of Great Britain, to which the government of the State of Buenos Aires acquiesced in response to the patent letter addressed by George Canning to the Minister of Government. It is considered the recognition of the independence of Argentina by the United Kingdom." [397]

December 2nd, in Washington DC, President Monroe declares that the USA will not accept future foreign colonization in the Americas.

> *"…. as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers... We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the **existing** colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as he manifestation of an unfriendly disposition toward the United States…"* [398]

Britain's Foreign Secretary responds that the USA has no right; *"... to take umbrage at the establishment of new Colonies from Europe in any unoccupied parts of the American continent."* [399]

"(John Quincy) Adams was indeed far more the architect of the doctrine than Monroe himself. Monroe may have conceived the idea of including a vigorous pronouncement on foreign policy in his forthcoming message, but if we are to believe Adams's "Diary" it was he who persuaded the President to take an independent stand against European intervention in the New World." [400]

---

395 *Noticias Historicas de la Republica Argentina obra postuma del Sr. Don Ignacio Nuñez* Ignacio Nuñez 1857. *cf.* 1824

396 *Sir Woodbine Parish and Early Days in Argentina* Nina Louise Kay-Shuttleworth 1910 Appendix II (an alternative title - *'A life of Sir Woodbine Parish'* appears inside the covers, and the work is occasionally referenced under that).

397 *La cuestión Malvinas en los tratados anteriores a 1966* Enrique Aramburu 2001

398 My emphasis. Now known as the Monroe Doctrine. Intended as a Anglo-American front against the Holy Alliance in Europe, John Quincy Adams advised Monroe to present an 'American' position rather than make any joint announcement with the British as he was concerned about Russian pretensions in north-west America. Monroe's announcement went further than Canning had initially proposed. For all Monroe's bravado, the US navy in 1823 was in no position to enforce his doctrine without the sea power of the British Royal Navy to back it up.

399 Canning viewed the defence of existing ex-colonies as one thing; preventing the colonisation of empty lands, another.

400 *The Monroe Doctrine* Arnold Whitridge 1956 in *History Today* vol.6 issue 6 June 1956. See - https://www.historytoday.com/archive/monroe-doctrine

"The United States has at no time taken a legal position on the merits of the competing sovereignty claims. In the 19th century, U.S. officials made clear that – because the British claims antedated 1823 – the United States did not consider the reassertion of British control (over the Falklands in 1833) a violation of the Monroe Doctrine." [401]

"... it seemed that even Ferdinand would have to acknowledge that the end of the road had been reached. Yet, not unexpectedly, he did not and ignoring both the British and the United States warnings, he circulated the courts of Europe inviting them to attend a conference in Paris where Allied support 'in adjusting the affairs of the revolted Colonies of America' would be discussed." [402]

December 15th, in London, a letter is prepared for Woodbine Parish, addressed to *"His Excellency the Secretary of the Government of Buenos Ayres."* Signed by George Canning.

> *"The King, my master, having determined to take measures for the effective protection of the commerce of his Majesty's subjects in Buenos Ayres, and to obtain information about the state of business in that country, taking into account the provisions that may eventually lead to the establishment of relations friendly relations with the government of Buenos Ayres determined to appoint Mr. Woodbine Parish as Consul General of His Majesty in the State of Buenos Ayres.*
>
> *Mr. Parish will deliver this letter to Your Excellency and I would like to ask you to provide him with all the facilities that may be necessary so that he can take charge of that position and properly fulfill his duties. ..."*

December 13th, in Buenos Aires, *Fenwick* (Adams) takes on stores. [403]

December 18th, the Schofield expedition prepares to depart.

"An Englishman has lately undertaken a speculation which has cost him a considerable sum, to have the exclusive privilege of taking cattle in the Falkland Islands – in fact to be sole proprietor for a term of years. ... the chances of his success are very doubtful. Buenos Ayres claims the jurisdiction of these islands, and those claims will not cause such a dispute as in the year 1770. The voyage to them is made in about fourteen days." [404]

Jorge Pacheco writes again to the provincial government.

> *"The citizen Don Jorge Pacheco, with due respect, says to Your Excellency as follows:*
>
> *That the expedition being about to weigh anchor for the Port of Soledad in the Malvine Islands, in order (to) improve that Island which Y.E. has granted him, Don Pablo Areguati, late Captain in the Army, goes out with the same in consequence of an agreement entered into between him and the petitioner and that, as for the purpose of making itself respected both by the **natives** and by foreign vessels as also of promoting the Interests of the State and of (the) Petitioner, it is desirable that there should exist some authority, Your Excellency is requested to be pleased to confer upon Don Pablo (Areguati) the title of **Commandant** of that place, without salary.*
>
> *Thus will not only that **deserted island be taken possession of**, but the foreign shipping will be made to pay the duty of anchorage of which an exact account will be rendered to the treasury for Areguati*

401 *The South Atlantic Crisis: Background, Consequences, Documentation* US Dept of State, Bureau of Public Affairs August 5, 1982 (evidence of Assistant Secretary Enders). See also 1886

402 Costeloe 1986 p. 215

403 *Protest of Schofield's widow – December, 1832* in *FO 6/499.*

404 Quoted in Love 1826. Source not provided.

*intends to form a militia and to officer it properly, in order that the **settlement** may make an appearance worthy of the mother country, to which end he takes out arms and ammunition on account of those concerned; and if Y.E. would be pleased to direct some iron ordnance to be shipped it would serve as a defence against pirates in those deserted regions, and might also be of use if the Government should wish to have **prisoners** sent thither.*

*It is my design to carry sheep to the settlement, and to lay out pasture grounds sufficient for about 2,000 merinos, in order to spread their breed all over those islands. To shew that I mean to accomplish what I propose I have caused this petition to be **signed by my sureties**.*

*Accordingly I supplicate Y.E. in right of your high authority to **grant me the necessary lands** and to order the above commandant to give me possession of them as I am a citizen of this Province and am willing to defend that territory as a sacred property of this State. I flatter myself that my petition is just & deserving of Y.E. Approbation."* [405]

Governor Martin Rodríguez responds that same day. [406]

*"(The) Government, considering it a duty to protect commerce and to encourage every branch of industry in the Country has thought proper to grant to the petitioner the lands that he solicits, under the express condition to make manifest its measurements under fixed boundaries, in order to obtain the titles of property, Gov't reserving to itself to take the necessary measures on this and the **other points** solicited by the petitioner."* [407]

"In 1823, the Government appointed Don Pablo Arequati, Commandant of the Malvinas." [408]

"... the favour granted by the Govt was uncertain and vague; and my right to lands without boundaries and known limits would have been doubtful." [409]

"The concession to land made to certain adventurers, Pacheco and Vernet in 1823, and to Robert Schofield a little later, had the paper backing of the Government of Buenos Aires and no more than that." [410]

"In reality this was only a request, (Arequati) did not get appointed." [411]

---

405 Original in *AGN VII, 127, doc.23*. Copy in *FO/78/1/33 & 34.* My emphasis. There were no natives on the islands.

406 *Vernet to Parish April, 1829* in *FO/6/499 f.11 & 12*. Vernet provided another translation in 1852 (*FO 78/1/35*) - *"The Government, having made it a duty to protect commerce and to encourage every branch of industry in the country, have been pleased to grant to the Petitioner, as a favour, the lands he solicits, under the precise obligation to make good his title of property, the Government reserving the power of providing for this, as for all other points in the petition of the memorialist."*

407 Copy in *AGN VII, 129, doc.50*. Copy in English in *FO/6/499 f.11 & 12*. A grant of land subject to a survey. My emphasis. *cf.* February, 1824. In August, 1823 it had been seals, cattle and horses plus some reconstruction of the old *presidio* buildings. By December, it was '*possession of deserted islands*', a militia, prisoners and settlement. Plus a grant of land and a commandant. All in the space of four months. In August, it had taken a mere 5 days to get an answer. On this occassion it would be immediate, and the Governor did not turn a hair with regard to the change from a hunting licence to the settlement of new territory. All this, and the speed of response, from no less a personage than Governor Rodríguez again, has to raise some suspicion that this supposed business venture was officially sponsored from the outset, if not totally government orchestrated. That the official response (below) was somewhat ambiguous, may just have been a means by which the government protected itself, should there be an adverse reaction by, for example, the British. Not that any of this was being made public.

408 Vernet 1832. There is no evidence of such an appointment.

409 *Pacheco to Balcarce January 5th, 1828* in *FO 78/1/36*

410 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

411 *Gobernadores que nunca fueron* Mario Tesler in *Clarin* June 6, 1974

"... the Buenos Aires government were keeping a low profile – here again one is entitled to speculate that they deliberately avoided doing anything that might offend Britain." [412]

In England, on the same day, Woodbine Parish is interviewed by Minister Canning.

".. having satisfied himself that Parish was not so young as he looked,.. wound up by asking him what he thought of having the entire responsibility of the Commission thrown upon him, now that Roche could not arrive in time to sail ... The answer was prompt... (he) had no fear but that he should be able to carry out his instructions alone quite as well as in conjunction with anyone else..."

However, so little is known of the political situation in the United Provinces that Parish is handed a list of questions to be answered, including; *"1st. Has the Government so constituted already notified by a public act its determination to remain independent of Spain and to admit no terms of accommodation with the mother country? 2nd. Is it in military possession of the country?"* [413]

Canning lays out his basic requirements for the recognition of a new State.

"... substantially capable of maintaining an independent existence, of carrying on a government of its own, of controlling its own military and naval forces and of being responsible to other nations for the observance of international laws and the discharge of international duties. These are questions of fact." [414]

Woodbine Parish is provided with the traditional three snuff boxes, embossed with images of the King, as diplomatic gifts. He is reminded that his objectives are primarily commercial, rather than political.

December 23rd, in Buenos Aires, when being provided with funding by Luis Vernet, Pablo Areguati acknowledges that his task is to tame; *"... cattle which I shall manage for the benefit of the financiers of the expedition to the Malvinas."* [415]

"Vernet paid him 100 ounces of gold as an advance on wages for three overseers (capatazes) and 23 peons who accompanied him to his new post. The overseers were to earn 40 pesos per month, and the peons 17 pesos." [416]

The three '*capatazes*' are – Juan Ganto, Aniceto Oviedo and Estanislado Argüello. [417]

December 25th, Spain's King Ferdinand abolishes the 1820 Constitution; *"... in his dominions in America."* [418]

December 26th, in Buenos Aires, desperately short of funds, Schofield sets about purchasing supplies for the expedition; *"... my brother in law Coronal Saez standing guarantee for the freight of the last vessel..."* [419]

December 27th, US Minister Plenipotentiary, Caesar Augustus Rodney, presents his credentials to Governor Martin Rodríguez.

December 29th, after being loaded with the expedition's supplies, and fitted out for sealing operations, *Rafaela* sails towards the Falkland Islands, under the command of Capt. James Hastie. [420]

412 Pascoe 2020 p.80
413 Kay-Shuttleworth, 1910 p.267
414 Quoted in Crawford 2007 (2nd ed.)
415 *Pablo Areguati, receipt, signed December 23, 1823* in *AGN VII 2-3-3*. *Land and Life in the Falkland Islands* W. Bernhardson 1989 p.169
416 Berhardson 1989 p.170. A *peon* was a labourer.
417 Pascoe 2020 p.81 citing *AGN VII, 127, doc 33*
418 Ireland 1838 p.327. Reinstating absolute monarchy in the Americas. At least in theory.
419 *Vernet to Samuel Fisher Lafone April 9, 1837* in *AGN VII, 130* quoted in Pascoe 2022 vol.1 p.528
420 Noted by the Captain of the Port of Buenos Aires in *AGN III 15*

1824 – January 6th, from Britain, Consul-General Woodbine Parish and Consul Charles Griffiths sail on HMS *Cambridge*. [421]

January 11th, from Buenos Aires, the brig, *Fenwick*, commanded by Capt. Samuel Adams, carrying horses, 25 gauchos[422] and Pablo Arequati, sails for the Falkland Islands. [423]

"Amount of Cost and expenses in the transportation of 67 horses and the Corresponding gauchos (Cattle hunters) to Port San Louis on the Easten Malvina (Falkland Islands) per the national Brig "Fenwick", capt. Adams, dispatched from Buenos Ayres in December 1823 (sic), ... and the national Schooner "Rafaela" likewise despatched from Buenos Ayres and the end of the year 1823. This undertaking had for object to catch and tame the wild Cattle, which on account of the Spaniards having left the Malvinas Islands in 1810 (sic), had grown wild, and which became since my property, in virtue of a grant made in August 1823, by the Government of this Republic, under whose sovereignty, these Islands came, as an integral part of the former Vice Royalty of the River Plate, as is demonstrated in the Report I gave to the Government on this and other matters, on the tenth August 1832. This expedition cost, as per the account thereof presented by the persons charged with its audits in Buenos Ayres, dated 25th August 1825 ... Spanish Dollars 29,311.3." [424]

In the South Atlantic, Weddell and Brisbane separate. Brisbane (*Beaufoy*) remains at Tierra del Fuego, while Weddell (*Jane*) sails along the Patagonian coast and then on to the Falklands.

January 24th, King Ferdinand VII of Spain decrees that his government has no authority to negotiate the recognition of any revolted Spanish-American colony. [425]

February 2nd, at East Falkland Island, Pablo Areguati and *Fenwick* rendezvous with *Rafaela*. [426]

> *"... we arrived here on the 2nd of this month without any mishap but with only five thin horses, all injured from being in the Ship. With them we could not even survey the terrain. On foot, we have gone up to five leagues, and we find no Cows at all, but only groups of bulls, in fours and sixes. My friend, please protest in my name at the harm caused to me by the pay of the farmhands, and also Mr Escofield (sic) for not providing the horses we had agreed on. ..."* [427]

"... it seemed to me ... that they might be profitably occupied for the purposes of colonization, and particularly in catching and taming the wild cattle there abounding in great quantities on East Falkland Island, and also of killing seals. I therefore in the year of 1823 (sic) occupied that as <u>First Settler</u>, and imported Gauchos..." [428]

421 *The Oriental Herald and Colonial Review 1824 – 1829*. Correspondence suggests that Vice-Consul Richard Pousett sailed on a mail packet ship three weeks later (*FO 6/6*)

422 Gaucho is an occupation. Itinerant cattle-herders and skilled horsemen, they were often of mixed race. Generally regarded with suspicion in the 19th century, they would become a symbol of Argentina in the 20th.

423 *AGN VII, 132 doc.7*

424 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833). Vernet is not always consistent with his facts. His licence from Buenos Aires was to hunt the wild cattle, there was no mention of ownership, and Spain had not withdrawn from the eastern Falklands' Island of Soledad until 1811. *cf*. February, 1833

425 *Archivo General de Indias, Indiferente General, 146 -1-18*, quoted in *The Recognition of the Spanish Colonies by the Motherland* William Robertson 1918 in *The Hispanic American Historical Review* vol.1 1918.

426 Some conjecture here as very little was recorded. The two vessels are assumed to have made for Berkeley Sound where there was some chance of finding shelter at the old Spanish *presidio.*

427 *Areguati to Pacheco February 12, 1824* in *AGN VII 129. Doc 51.* This letter was passed on to Luis Vernet and can be found among his papers in the Argentine archives.

428 *Vernet to Labouchere December 1856* in *CO 78/43.* Original emphasis. Vernet was not there. Written more than 30 years later, and in pursuit of compensation. In the same letter, Vernet would claim to have started the seal fishery on East Falkland Island, despite seals having been hunted there for 50 years before Areguati's arrival. Other documents described those sent as peons (labourers), not gauchos. *cf.* 1856

*"... the fact that the ship "Rafaela" on which **they** arrived was armed, proves that the Government of Buenos Aires took the necessary measures to exercise its authority over the Falklands/Malvinas."* [429]

February 9th, in Buenos Airean newspapers, passages from the US President's speech to Congress appear.

February 12th, from Soledad, after only 10 days, Areguati writes a despairing letter for Pacheco and Vernet.

> *"... We are without meat, without ship's biscuits, and without gunpowder for hunting. We support ourselves by chance captures of rabbits, since there is no fat meat since we cannot go out to slaughter as there are no horses. I have resolved to tell you that we are perishing. We stay under boards during the worst of the cold and snows at this time; we have no Boat to go to the Island to cut straw, as no one from the two Ships will give me one since they need them. The Captain of the Brig that brought us has helped us as much as he could; he is entirely a man of goodwill, ... "* [430]

After unloading the expedition's stores, *Rafaela* departs to go sealing. [431]

> *"... the Captain of the Schooner did not behave himself well, ... The bridle-bits, spurs, yerba and irons, arrived all mouldy and in bad condition. I cannot be more precise, I beg you to do me the great service of protesting in my name against the losses caused to me by not being provided with the right horses for hunting. ..."* [432]

Areguati sends *Fenwick* to Carmen de Patagones to fetch more horses, despite their limited use on wet ground.

"... (they) could not get over the bogs as fast as the cattle, consequently (they) could not catch those that ran, and those that did not run were old bulls that would give battle and often kill horses while many more were wounded." [433]

"According to her captain, Samuel Adams, the Fenwick made two journeys to Rio Negro and back to get horses, and about 70 in all were taken to the Falklands, but they were untrained and hence not much use." [434]

February 14th, in Buenos Aires, and as yet unaware of Areguati's situation, Vernet and Pacheco confirm Schofield's contract. This stipulates that he will kill 20,000 head of cattle each year, once he has 100 horses on the island; *".. which should be within four months."* [435]

February 25th, at the Falklands, *Jane* (Weddell) anchors in Robertson's Bay.

---

429 *The Malvinas/Falklands Between History and Law* M. G. Kohen & F. D. Rodríguez 2017 p.105. My emphasis. More nonsense from these Argentine nationalist lawyers. Who 'they' were is not clear as Arguati sailed on *Fenwick* and Schofield would arrive on *Antelope*. All that *Rafaela* carried were the supplies for the expedition and equipment for sealing. All sealers were armed in those days; wary of pirates, privateers and the competition.

430 *Areguati to Pacheco February 12, 1824* in *AGN VII 129. Doc 51.* Also Caillet-Bois (6th ed.) 1982 p.196/7. The brig was *Rafaela*, although elsewhere she is referred to as a 'schooner.'

431 Little is certain. A comment by Areguati in his letter to Pacheco of February 12, 1824, implies that *Rafaela* reached the Island of Soledad and disembarked whatever cargo she carried for the Schofield party – mouldy horses and riding equipment seemingly. However, details are scant as *Rafaela* was never seen again. Caillet-Bois (6th ed. 1982) speculated that the vessel was lost on rocks at the Falklands. The vessel was insured for £800, which Luis Vernet subsequently claimed in December, 1825. See *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

432 *Areguati to Pacheco February 12, 1824* in *AGN VII 129. Doc 51.*

433 *Memorial* (undated draft) by Luis Vernet in *AGN VII 2-4-6*. See Bernhardson 1989 p.170

434 Pascoe 2022 vol.1 p.530

435 Caillet-Boise (1982) suggests that, although unhappy with Schofield's preparations, Vernet had other commitments regarding an expedition to the San Jose peninsula, leaving him unable to cancel the agreement with Schofield.

March 1st, from the Rio de la Plata, *Antelope*, carrying Robert Schofield, his family, Emilio Vernet, 26 horses and further stores, sails for the archipelago. [436]

> *"A letter from Buenos Ayres mentions that the Government was forming a settlement at Port Louis, one of the Falkland Islands, and that 100 settlers has already gone there, and more were preparing to follow them. This settlement may prove eventually very useful to vessels bound round Cape Horn."* [437]

"...he at length departed on the 1st March 1824, indebted to us ten thousand Dollars – or rather to me, Pacheco having no property I made all the disbursements. For our security against the strange behaviour of Mr. S, who has taken to drinking very hard, he was to be associated in the direction and understanding by my bother. But such was the extravagance of Mr. Schofield that if he had tried his best to ruin the undertaking, he could not have done more to that effect..." [438]

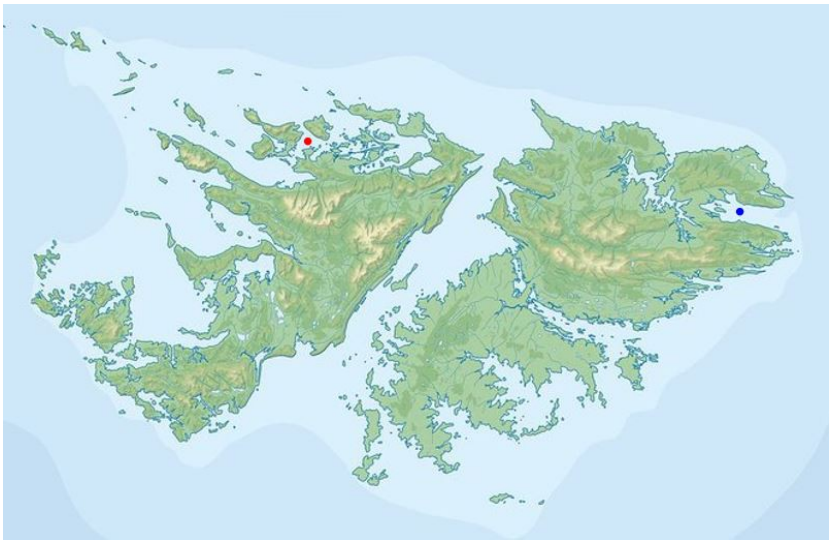
Emilio Vernet carries instructions from his brother.

*"... assemble all who were **found** there, and in the presence of the assembled the office of Commander of the Island was (to be) delivered to Areguati, "declaring that all persons should be informed (of the decree), and that they recognize (the) commander so that order may be preserved and excesses avoided". It was also provided that "Any vessel arriving, whether by watering, living or otherwise, shall be charged (for) the right of anchorage."..."* [439]

"In fact neither Pacheco nor Areguati was given any official position by Buenos Aires. ... that instruction was issued only by Vernet, one of the commercial investors in the scheme, not by the government." [440]

March 2nd, *Jane* anchors at New Island, to take on water.

March 12th, Weddell moves on to Port Egmont; *"and anchored off the Ruins in nine fathoms water."* [441]



436 Exact date of departure unknown, so I have opted for the date provided by Caillet-Bois (2nd ed. 1952 p.198), which he described as "*possible*." Sailing time to the Falklands was at least two weeks with fair weather.

437 *Morning Advertiser May 13, 1824.* This was picked up and repeated by eight London and regional newspapers/journals. None of the Schofield's ships carried settlers.

438 *Vernet to Samuel Fisher Lafone April 9, 1837* in *AGN VII, 130* quoted in Pascoe 2022 vol.1 p.531

439 Caillet-Bois 1952 pp.197-198. My emphasis. The only people likely to be found in the Islands were sealers and whalers; all tough seamen unlikely to easily accept being told what to do. The *usufruct* granted by the provincial government would carry little weight.

440 Pasco 2020 pp.80-81

441 Quoted in Pascoe 2022 vol.1 p.531 citing *Weddell's MS 1521/2.* The ruins were those of the British establishment founded in 1765 and supposedly razed to the ground by a Spanish force in 1780 (Britain was at war with Spain). On the map above, the red dot indicates the harbour of Port Egmont; the blue dot is Berkeley Sound with the old Spanish garrison site of Puerto Soledad in its inner reaches.

March 15th, two Spanish warships, *Asia* and *Aquiles* (*Achilles*) anchor in the harbour of Port Egmont [442]

"On the 15th, in the morning, I was surprised to see a line of battle ships and a sloop of war coming around the Point. We presently ascertained that by their colours they were Spanish. I hurried on board, and was politely received – I pointed out the most eligible anchorage, but they chose to run a little beyond it, by which they afterwards drove (dragged their anchors) and caused themselves a great deal of trouble. The Ship of the Line was the Asia of 70 guns – the Brig was the Achilles of 20 guns." [443]

March 17th, Weddell is invited to dine with the Spanish commander, Capitán de Navío Roque Guruceta. [444]

March 19th, from Egmont, Weddell (*Jane*) sails for Patagonia. [445]

March 26th, at Puerto Soledad, *Antelope* anchors. Despite the journey being uneventful, only six of the 26 horses remain alive; with just three in any condition to work. Stepping ashore, Emilio Vernet discovers that nothing has been done and no dwellings constructed. He finds that many of the men that arrived in *Fenwick* are refusing to work due to the harsh conditions and inadequate supplies. In particular, a lack of wine and bread. Areguati, who has failed to take any action other than to send *Fenwick* to the Rio Negro for more horses, has been relying on *Antelope* to bring the missing supplies. [446]

"... neither the Rafaela nor the Fenwick was still at Port Louis when the Antelope arrived..." [447]

March 31st, at Buenos Aires, Woodbine Parish and Charles Griffiths, after delays in Brazil and Montevideo, finally arrive aboard a packet ship.

"It is worth highlighting that before Argentine independence was recognised and diplomatic relations established, Great Britain had appointed a Consul in Buenos Aires, who had arrived in March 1824. The Consul could not possibly have ignored Pacheco's attempt to establish a settlement that same year." [448]

April 2nd, Buenos Aires Governor Martin Rodriguez is succeeded by Juan Gregoria de las Heras.

April 3rd, at Puerto Soledad, seeing sails in the distance and assuming them to belong to *Fenwick*, Schofield sends a message for the captain to allow any horses he has to swim ashore. However, the sails belong to a British sealer, *Adeona* (Andrew Low). [449]

At Montevideo, on the same day, James Weddell arrives to inform the British Consul of his encounter with the Spanish warships. As a result, he is invited to relay his experience to Commodore Sir Murray Maxwell, officer in charge of the British squadron at Montevideo. [450]

---

442 Partial account in *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20160032529.* These ships were en route to Callao in support of a Spanish fleet there, but remained at Egmont repairing the vessels and refreshing the crews until March 27, 1824. Whether they had chosen Egmont, rather than Puerto Soledad, for any specific purpose is not known. Sadly, the ships' logs do not appear to have survived, after the crews of both ships mutinied in March 1825.

443 Quoted in Pascoe 2022 vol.1 p.531 citing *Weddell's MS 1521/2*

444 Ann Savours in Tatham (ed.) 2008 p.556

445 Matthew Brisbane had not appeared and so James Weddell sailed north towards the Rio de la Plata.

446 There is no evidence of any ceremony to confer a title upon Arequati or to take possession of the island. Cawkell (2001) suggested that the ceremony did not take place due to the interference of Schofield, an Englishman, but sadly provided no source for this. The reason may be simpler – Areguati was not prepared to stay.

447 Pascoe 2022 vol.1 p.533

448 Kohen & Rodríguez 2017 p.106. Quite who would have bothered to inform Woodbine Parish of Schofield's expedition is not stated. There is certainly no evidence that Parish became aware of it, but if he had, why would he complain? A private enterprise to profit from the feral cattle, was no different to private ships exploiting wild seals.

449 *Emilio Vernet to Louis Vernet April 8, 1824* in *AGN Sala VII legajo 132 Doc 8*

450 Weddell seems to have spent some weeks at Montevideo, presumably awaiting the arrival of *Beaufoy* (Brisbane), as both ships returned to England in July, 1824.

"The Royal navy had been keeping in touch with affairs in the Falklands, and felt concern at the extent of French activities in the South Atlantic." [451]

April 4th, from East Falkland, Emilio Vernet writes a letter to his brother, Luis, outlining the problems he has encountered. [452]

> *"We arrived here safely on the 26th of last month, but unfortunately with only 6 horses, of which only 3 are in fairly good condition; the other 20 died on the way. Your concern regarding Schofield has proved well-founded, for it is not merely that he acted as an unwise person; it is now becoming clear that he is a great swindler and an arch-rascal, to whom no agreement is too sacred to break. I knew no differently, and neither did Pacheco I think, than that he had sent here everything necessary with Areguati and the Rafaela and that what was still missing would go in the Antelope. Now Manterola tells me that he could not receive most things in Bs As, since he could not pay. Argeuati, who has been here for 2 months and only brought 4 horses in very miserable condition, … has lived here the whole time in the greatest embarrassment, since they had nothing but farina (flour) and salt meat to eat, and they thus looked forward with impatience to the Antelope.*
>
> *So you can imagine his astonishment on hearing the Schofield brings nothing, and will not even send ashore the little he had on board destined for this place, such as 2 barrels of sugar, 1 pipe of Carlos's wine and 1 chest of woollen goods, but has only disembarked 1 pipe of ordinary wine and the wood. … he will not even send his medicine chest ashore, which is so very necessary here, since 6 peons and 2 Englishmen are ill... he now tells us he has a mind to go to Rio Negro himself with his family in the Antelope, in order he says, to send horses from there in case the Fenwick, which Areguati sent there 6 weeks ago for that purpose, should have met with an accident. This doubt of ours does not stand alone, but is confirmed by everything he revealed to Medina, Manterola and the Englishmen, and clearly reveals that he conspired with one Baker, who came out with us, … to abandon this enterprise completely, & to try and find the Fenwick, to go in her to England and to sell this island to the Engl. govern(ment). …"* [453]

Emilio adds that the craftsmen who had arrived on *Fenwick* all wish to leave again on *Antelope,* and he has only managed to persuade a mason, a carpenter and a smith to remain for a few more months. He notes the presence of 20-30,000 head of cattle, together with 10,000 head of feral horses.

April 5th, in Buenos Aires, Consul-General Woodbine Parish and Consul Charles Griffiths formally present their credentials. [454]

> *"Mr. Parish, the Consul-General, and Mr. Griffiths, the Vice-Consul, were received for the first time at the House of the Government by Senor Don Bernadino Rivadavia, Minister of State for Foreign Affairs, when they presented their credentials … it is the first official Document from Europe, in which the Government of the Country is addressed in a direct manner suited to the character which this Country has been endeavoring to deserve these 15 years..."* [455]

---

451 Pascoe 2024 2nd edition vol.1.

452 *AGN VII 132 doc.28*

453 *Emilio Vernet to Luis Vernet April 4, 1824* quoted in full in Pascoe 2022 vol.1 pp.533-534 citing *AGN VII 132 doc.28* .

454 *FO/6/3.* Giving Governor Juan Gregoria de las Heras and Minister Bernadino Rivadavia snuff boxes as diplomatic gifts.

455 *Buenos Ayres Gazette* April 5, 1824. Having only declared independence nine years before, the reference to 15 years is hard to understand.

"Thanks to Parish, the fortnightly postal service to Chile became weekly, and its route, via Mendoza, was now used by English traders who encouraged the growth of an increasing variety of produce to be exchanged for English goods." [456]

On East Falkland Island, the crew of *Adeona* salvage wood from a wreck in Berkeley Sound. Captain Low is challenged by Areguati and told that the fishing rights are now privately owned and vessels may be charged for mooring. [457] This information is not well received.

> *"The Brig Adiona (sic) of Grenock, which came here a few days ago, has now to our misfortune also taken the best wood from the wrecked ship. He now threatens to denounce us as pirates to the English Government. We are constantly and principally, since it is now winter, threatened by pirates, so it would we think be very good to send 6 or 8 men from Buenos Aires merely with the duty of keeping guard here but under Areguati's command."* [458]

"... the Government of Buenos Aires, incapable of impressing its authority beyond its own provincial boundaries, was wholly unable to exercise any effective control over a group of islands more than a thousand miles from its own capital." [459]

"... a very clear British reaction: a threat by the captain of the Adeona to denounce the group from Buenos Aires to the British government as "pirates". The captain of the sealing brig Adeona at this time was apparently Andrew Low, related to her later captain William Low. His threat to denounce the expedition to the British government shows that he regarded the islands as British property and saw Areguati and his men as intruders. No wonder Emilio asked for guards to protect the expedition. But he did not get them." [460]

April 7th, in Buenos Aires, Woodbine Parish is granted his *Exequatur* by the; *"Minister Secretary of the Foreign Relations and the Government in the State of Buenos Ayres ..."* [461]

April 8th, at Puerto Soledad, Emilio Vernet pens another letter to his brother Luis. [462]

> *"After another discussion which I have had with Schofield, I really do not know what to think of him, so before you undertake anything against him I would like to sound him out thoroughly, first. He has now sent the medicine chest ashore and also some other things ... He proposes to make money in Rio Negro out of the things left on board, to equip a ship with horses from there...."* [463]

"Schofield's announced intention to sell stores at Rio Negro and buy horses with the proceeds was a sign of desperation – without horses the expedition was doomed, but without stores it would have suffered even greater hardship. It may actually have been an intimation that he was planning to leave, intending to sell the stores to recoup some of his own losses, with no intention of returning to the Falklands." [464]

---

456 *The Establishment of British Commerce with Argentina* J. B. Williams 1935

457 *False Falklands History at the United Nations: How Argentina misled the UN in 1964 – and still does* Pascoe & Pepper 2012 (internet published) . *Uranie* had foundered in Berkeley Sound in February, 1820. No other wreck is recorded there in 1824. After 4 years, it is surprising that there was much left to salvage.

458 *Emilio Vernet to Louis Vernet April 8, 1824* in *AGN Sala VII legajo 132 Doc 8.* The arrival of HMS *Rinaldo,* in August, raises the possibility that Low may well have reported the encounter with Arequati. There is no indication from the correspondence, that Pablo Areguati attempted to impress Low with his title of Commandant.

459 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

460 Pascoe 2020 p.83. Andrew and William Low were brothers, Andrew the elder.

461 Original (signed by Bernadino Rivadavia) and translation in *FO/6/6/1.* The 'State' of Buenos Aires?

462 With no ships available, these letter were more a form of record, as they could not be sent.

463 *Emilio Vernet to Louis Vernet April 8, 1824* in *AGN Sala VII legajo 132 Doc 8.*

464 Pascoe 2022 vol.1 p.536

April 12th, in Buenos Aires, during a long interview with Minister Rivadavia, Parish tells him of George Canning's speech to Parliament of the previous year. He then explains Britain's attitude towards Spain and its old colonies. Parish asks for details to be provided in answer to the questions asked by Canning with regard to the situation within the United Provinces. He asks that this should include a description of the territory being claimed, and the organisation of Government. Rivadavia confirms to Parish that his administration will not negotiate with Spain until Madrid recognises its independence.

Parish concludes a 'Postal Convention' with Rivadavia; *"... the British mail-packets were to have special privileges and to remain 10 days in port; a courier being despatched with the mails for Chile 3 days after the arrival of the packet."* [465]

April 25th, Parish writes to Canning; *"Rivadavia has promised me a detailed Report upon the Constitution of the Government of this State;..."* [466]

Minister Rivadavia resigns his position as 'Chief and Foreign Minister of Buenos Aires'. [467]

At Port Louis, Schofield, accompanied by 12 others, sails from the Falklands in *Antelope*, leaving Areguati, Emilio Vernet and the others stranded until *Fenwick* returns.[468] Schofield sails to the San Jose peninsula, where he finds Luis Vernet. His men demand to be paid by Vernet, as Schofield has no money. [469]

"He had hardly been one month at the island when he set sail taking with him all the supplies and leaving his people on the island almost destitute & without the means of doing anything. He arrived with the Antelope at Patagonia, where I happened to be, there he was prosecuted by a dozen mechanics (manual labourers) whom he had engaged in Buenos Ayres at 40 dollars a month & who having managed to come away from the island in the same vessel with him, claimed their wages & would have got him into jail had I not taken his part. Schofield was still daily intoxicated, but even in his sober moments his departure from the island appeared to him as a dream of which he had but a faint recollection. He could give no answer to my enquiries and frankly acknowledged that he knew nothing of the matter." [470]

May 12th, in Buenos Aires, with Rivadavia gone, Woodbine Parish repeats his request for information to Don Ygnacio Nuñez. Chief Officer at the Ministry of Foreign Affairs. [471]

> *"Dear Sir, I Entreat you to bear in mind the request which I made to Senor Rivadavia, concerning a slight sketch of the origin, progress, present state and form of government of this country; together with a summary of its revenues and military strength. It is my wish that it should comprise all those points on which it may seem desirable that my Government (for whose inspection I solicit it) should be informed. No one is better qualified for that purpose than you Sir; and I shall feel infinitely obliged if you will take the trouble to furnish me with it, as soon as your occupations will permit. On another occasion, when the Commissioners of North America came to this city, Senor Tagle gave a similar exposition to Mr. Rodney."* [472]

---

465 *The English in South America* Michael G. Mulhall 1878

466 *FO/6/3/114.* Neither Buenos Aires, nor the United Provinces, had a formal Constitution. It was the failure to agree one that had led to the break-up in 1820.

467 There is no obvious connection between the interview with Parish and Rivadavia's resignation. More likely to have been connected to changes brought in by the new Governor of Buenos Aires. Rivadavia had been Rodriguez's man.

468 Exact date unknown. Apparently so drunk, that Schofield could not recall giving the order to sail.

469 Exact date unknown. *Antelope* would seem to have eventually headed back to Buenos Aires, returning Schofield, his family and the contract employees to that city. See August 1824 below.

470 *Vernet to Samuel Fisher Lafone April 9, 1837* in *AGN VII, 130* quoted in Pascoe 2022 vol.1 pp.536-537

471 Appointed October, 1823, see above.

472 *FO/6/3.* For the information provided by Gregorio Tagle to the US Commissioners, see 1818. Otherwise see June, 1824

"As Parish set up a consular registry, he realised there were now far more people from the United Kingdom in Buenos Aires than he had expected, some of them very wealthy. He informed Canning that "the magnitude of British interests here exceeds all others; half the public debt of the country and the best part of the valuable property in the place is in the hands of His Majesty's subjects." ..." [473]

May 13th, news of the Schofield expedition reaches London.

"A letter from Buenos Ayres mentions that the Government was forming a settlement at Port Louis, one of the Falkland Islands, and that 100 settlers has already gone there, and more were preparing to follow them. This settlement may prove eventually very useful to vessels bound round Cape Horn." [474]

"... a Mr. Schofield, an Englishman, brought a party hither for the sake of jerking and of salting down the beef of the wild cattle, bred from those left by the French, and of curing their hides, with those of the wild horses, for the Buenos Ayres market..." [475]

May 17th, from the South Atlantic, *Adeona* (Andrew Low) sails for the Clyde. [476]

On East Falkland Island, at Puerto Soledad, *Fenwick* anchors with horses from Patagonia. [477]

"Captain Adams arrived back ... only to find that the project had been abandoned. Ironically it would seem that on this trip Adams had at last managed to get a significant number of horses to Port Louis alive – Areguati's party had brought only four and Emilio's party only six, but when Louis Vernet himself went to the islands in 1826, he found 22 tame horses left from the 1824 expedition, suggesting that Adams had managed to bring at least twelve." [478]

May 22nd, from Washington DC, George W. Slacum is appointed US Consul to Buenos Aires.

May 26th, in Buenos Aires, Woodbine Parish, Caesar Augustus Rodney and John Murray Forbes attend a banquet. Toasts are drunk to the *'State of Buenos Aires'*.

June 3rd, Parish writes to the heads of the other Provinces.

> *"(His) Majesty's Government being desirous to obtain the most accurate Information, with respect to the actual State of these Provinces, I have the honor to request that Your Excellency will do me the Honour to furnish me with such Information with respect to the Extent, Population, Productions, and Resources of your Province, as you may consider it may be desirable to His Majesty's Government to be acquainted with... If any good Geographical Map is to be obtained of the Province, I should also be glad to be furnished with a Copy thereof."* [479]

June 5th, in the UK, General Carlos Maria de Alvear arrives from Buenos Aires seeking support against the Holy Alliance. [480]

June 7th, from Berkeley Sound, Pablo Areguati and Emilio Vernet sail for Buenos Aires in *Fenwick*. Left behind to make use of the newly arrived horses is a foreman, Aniceto Oviedo, and seven others.

---

473 Rock 2018 p.56

474 *Morning Advertiser* May 13, 1824. This was picked up and repeated by eight London and regional newspapers/journals. There were no settlers however.

475 *The Athenaeum Journal of Literature, Science and the Fine Arts: From January to December 1833* J. Holmes (pub.) 1833 p.497

476 *Public Ledger & Daily Advertiser* August 14, 1824

477 Exact date unknown.

478 Pascoe 2024 2nd edition vol.1

479 *FO/6/3/211*

480 An alliance of European monarchies committed to facilitating the return of Spain's colonies.

"Despite the failure of the attempt to establish a permanent settlement, the importance of Areguati's appointment lies in the will of the government of Buenos Aires to establish an authority to reside on the islands and in the physical presence of Areguati on the islands as commander for most of 1824." [481]

"... Areguati was only in the islands for four months .., and his authority did not even extend to the members of his own expedition, still less to British sealers, who threatened to denounce them to the British government." [482]

June 15th, in Buenos Aires, the Foreign Ministry's Chief Officer, Don Ygnacio Nuñez, responds to Parish's request in a long letter detailing the political history after 1810, the administrative arrangements of the Buenos Aires Province and its limits. [483]

> *"That part of the province, lying between the rivers Paraná and la Plata on the north and east, and the Salado on the south and west, forms a tract, the greater diameter of which, taking it from the rivulet of the middle, which is between 33 and 33½ degrees of south latitude, to the mouth of the Salado in the Ensenada de Sambozombou, which is in the 36th degree, may contain about 66 straight leagues, inclining from north-west to south-east, and cutting the meridians at an angle of about 50 degrees.*
>
> *The less diameter, in the middle, is 23 straight leagues, which give a surface of 1518 square leagues. Beyond that tract settlements have also been extended to 37 degrees south, following the sea coast; and in the same direction the Guard of Kaquelhuincul has latterly been established, 38 maritime miles to the south of the pass de las Piedras on the Salado, some 55 to the west of the south point of Cape Antonio, and 65 to the north east of the Mountains del Volcan. ...*
>
> *Since the above description was given, however, the country of Buenos Ayres has been extended 50 leagues more to the South..."* [484]

"Foreign minister Rivadavia delegated the task of writing the report on the all-important city and province of Buenos Aires to his secretary Ignacio Núñez, who had the reports printed when he was in Europe a year later, in a book of over 300 pages, in London in Spanish and English, and in Paris in French." [485]

Reference is made to outstanding sovereignty claims over the Banda Oriental (Uruguay), Paraguay and Upper Peru. However, Nuñez makes no mention of any pretensions to the Falklands archipelago.

June 25th, Woodbine Parish sends Ygnacio Nuñez's *memorial* to the Foreign Office in London; together with those responses he has received from the other Provinces; adding his own conclusions. [486]

> *"The United Provinces of la Plata, or, as they are sometimes called, the Argentine Republic, comprise, (with the exception of Paraguay and the Banda Oriental, which have become separate...) the whole of*

481 Kohen & Rodríguez 2017 p.105. A presence? Arequati was there for 4 months and 3 days to be precise, and not as 'commander'. Effective possession requires rather more and rather longer. Wishful thinking from these nationalist lawyers, then? No reports of any flags being raised, while all indications are that it was a commercial operation gone wrong.

482 Pascoe 2020 p.80

483 Published by Buenos Aires in London in 1825 in both Spanish and English. Published in French in 1826. See below.

484 *Nuñez to Parish June 15, 1824* in *Noticias Historicas, Politicas, y Estadisticas de las Provincias Unidas del Rio de la Plata ...* Buenos Aires 1825 The last sentence suggests that Nuñez was referring to the 1819 report of the American commissioners. See May 1825 below.

485 Pascoe 2020 p.84

486 A map of the Province of Buenos Aires was published in 1836 by Woodbine Parish. The province is shown as extending from 33° in the north to 39° in the south. An enlargeable copy can be found at - https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~323463~90092661:-Mapa--de-la-Provincia-de-Buenos-Ai?sort=Pub_Date,Pub_List_No_InitialSort,Pub_List_No,Series_No

*that vast space lying between Brazil and the Cordillera of Chile and Peru, and extending from the 22nd to the **41st** degree of south latitude. The most southern settlement of the Buenos Ayreans as yet is the little town of Del Carmen, upon the river Negro."* [487]

"In an 1824 report to Woodbine Parish, .., the merchants credited the Rodriguez government with having engineered a great increase in prosperity by promoting trade. On that basis, Parish advised George Canning, .., that 'the benefits of a good government, which has been at last established, are now quite sufficiently known and understood to ensure the support of all classes of the people.'..." [488]*Nunez's response is simply consistent with the request. It begins with a brief historical summary of the causes of the revolution and the subsequent Argentine independence, then it makes mention of certain principles on which government is based and ends giving a summary statement of the various branches of the administration (government, war, relationships foreign and finance). In no section does it refer to the territorial composition of the United Provinces (or Buenos Aires province upon which depended the Falkland Islands). The British representative in Buenos Aires, present in the capital since March 1824, asked nothing about (the islands)"* [489]

"Once established in Buenos Aires, Parish quickly decided the country met the standards of internal stability Canning required." [490]

"Woodbine Parish wrote an 85-page report for Canning based on Núñez, ... he says 24 representatives in the Congress of the United Provinces had been assigned to Buenos Aires, 24 to the rest of the country, and "one for the settlement on the coast of Patagonia," but he does not mention the Falklands. The conclusion is clear: to both Núñez and Parish the Falkland Islands were not part of Argentina."[491]

July 1st, on behalf of Buenos Aires, a loan of a nominal principal of £1,000,000 arranged with Barings Bank of London comes into effect. The issue price is set at 70% (£700,000) minus deductions/commission of 13% amounting to £570,000 passed to the provincial Government. The stated purpose of the loan is for 'Port Improvements'. [492]

"The 1824 Loan was an attempt to take advantage of a favourable period on the London money market, at a time when the Government of Buenos Aires could not raise money locally at less than 14% ... Speculation kept

---

487 *FO/354/7 Woodbine Parish Papers.* My emphasis. The Falklands' archipelago are situated ten degrees of latitude further south than this description; which is consistent with the reports of the limits of the Viceroyalty (1774) and the information provided to the US Commissioners in 1819. Nunez's *memorial* is important. Before Britain could make a decision about recognition, Canning needed to know just what it was that he was being asked to recognise. In order to meet Canning's requirements, Parish clearly asked for information relating to the composition of the country. That the official response failed to mention a claim to the Falkland Islands demonstrates that Buenos Aires did not have such pretensions at that time. Or that Buenos Aires chose to hide this detail. Either way, Britain's decision to negotiate a treaty was based upon what was provided. Fanciful then, for modern commentators to assert that the subsequent treaty with Britain amounted to a recognition of Argentine rights to the Falklands archipelago.

488 *The Terms of Trade and the Rise of Argentina in the Long Nineteenth Century* Joseph A. Francis 2013 (unpublished thesis) citing *Great Britain and Argentina* Klaus Gallo 2001 p.142

489 Kohen & Rodriguez 2016 p.148. Parish was seeking information from an aspiring new State. It was not his function to put words into their mouths. The information provided, clearly included territorial details of the country.

490 Rock 2018 p.54.

491 Pascoe 2020 p.85. The map of the Province of Buenos Aires (next page) was published in 1836 by Woodbine Parish. The province is shown as extending from 33° in the north to 39° in the south. An enlargeable copy can be found at - https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~323463~90092661:-Mapa--de-la-Provincia-de-Buenos-Ai?sort=Pub_Date,Pub_List_No_InitialSort,Pub_List_No,Series_No

492 The funds were almost immediately diverted under a heading of "general government expenses". See April, 1828, below. Also 1841, and 1857.

the Buenos Aires Loan at a premium for the first few days (July 1824), but genuine investors refused to touch it... Much indignation has been expressed at what, in fact, was the custom of the day – the withholding by the agents of a borrowing government of the sums required for the first years of service and amortization. [493]

July 2nd, at Buenos Aires, *Fenwick* anchors in a poor condition and leaking badly. She is sold to help meet the expedition's debts. [494]

"... Areguati was soon busy paying off the employees: the capatazes Juan Gauto and Estanislado Argüello were paid off on 12 July, and 16 others soon afterwards." [495]

"Louis Vernet himself had very little to do with the conduct of the expedition, and seems to have regarded it as a purely commercial venture; he had no interest in the Falkland islands as such. When preparing an account of it in 1838, he had to write to Captain Adams of the Fenwick to ask if he had ever carried any produce from the islands. Adams replied that some 70 horses had been taken to the islands, but the expedition had produced nothing, since the ground was too difficult for the horses, "it being with the greatest difficulty that fresh beef could be obtained for the maintenance of the men";..." [496]

July 22nd, in London, General Alvear has a private interview with Foreign Secretary George Canning. [497]

"... Canning gave him a cool reception. ... (proceeding) to cross-examine him in a hasty and almost irritable manner. ... The Foreign Secretary... asked a few questions concerning the characteristics of the political institutions functioning in the River Plate, such as the extent of authority attributed to the Executive and to the Congress.... He also asked Alvear about the real authority of Buenos Aires over the other River Plate Provinces. Alvear answered that the capital had no authority over the Provinces. ... The conference ended with Canning's request to see Alvear's credentials. Alvear promptly refused this request, fearing that it was a strategy to make him reveal official papers concerning his mission to the United States." [498]

Canning hands Alvear a list of questions he wishes answered about the '*State*' of Buenos Aires.

July 24th, General Alvear responds to the questions given him by the Foreign Secretary.

> *"What is now understood by the State of Buenos-Ayres, is the Territory which composed the ancient Vice-royalty of that name. ... Buenos Ayres, Montevideo, Paraguay, Cordova, Mendoza, Tucuman, Salta, Santa-Fe, Corriente, La Rioja, Catamarea, Santiago del Estero and Entre-Rios. ...*

493 *Foreign Finance in Argentina for the First Half-Century of Independence* D. C. M. Platt in *Journal of Latin American Studies* vol.15 no. 1 (May, 1983) p.16. A £1,000,000 loan was negotiated by Minister Bernadino Rivadavia in January, 1824 at a minimum price of £70 for £100 stock raising £700,000 (beyond my ken - best read the article cited). See 1838 & 1842

494 Caillet-Boise 1982. Journey time of 25 days. Pascoe (2022 vol.1 p.537) notes that the ship was sold for 1600 pesos against debts of 1487 pesos.

495 *Ibid*. pp.83-84

496 Pascoe 2022 vol.1 p.539 citing *Vernet to Adams August 15 1838* in *AGN VII 127, doc. 33 A No.3*. In this letter, Vernet asks a surprising number of questions of a simple nature; e.g. *What vessels were employed*", supporting the view that he knew very little about events in 1824; despite having a financial interest in the expedition.

497 This interview appears to have been arranged by a private trading company in London (*Hullett Brothers & Company*) which acted as Bernadino Rivadavia's agents. Canning found relationships between diplomats and commercial establishments troubling. As we still do. A few days after this meeting, Alvear left for the USA where he hoped to be recognised as a Minister for Buenos Aires.

498 *Great Britain and Argentina from invasion to recognition, 1806-26* Klaus Gallo 2001 p.148.

The present State of Buenos Ayres is composed of the same Territory that it comprehended under the Spanish Dominion, with the recent addition of the establishments on the Patagonian Coast." [499]

In the Falkland Islands, on the same day, a British sealer, *Susannah Ann* (John Robinson), takes off Aniceto Oviedo and his men. The last of the Schofield expedition. [500]

"... a Mr. Schofield, an Englishman, brought gauchos and horses from Buenos Aires for the purpose of catching the wild cattle, which had multiplied and spread themselves all over the East Falklands; but he failed in his speculation." [501]

Off Puerto Soledad, Lieut. John Moore commanding HMS *Rinaldo*, anchors. He notes; *"... this place appears to have been settled by the Spaniards."* He writes in *Rinaldo*'s *Remarks Book* of a previous visit he had made to the old Soledad garrison site in 1814*; "By a paper I found in the Governor's house it appears they left it in April 1811 (sic)..."* [502]

In **August**, Schofield and his family return to Buenos Aires. [503] As does Luis Vernet; *"Everything was lost."* [504]

"Thus ended Mr. Schofield's enterprize, with the total loss of the capital employed and besides loaded with debts, which he could never pay. I was the greatest loser of all the creditors, for Pacheco could not pay me his part of the loss & his testamentaria remains owing me about seven thousand dollars, ... The bill of sale of the land to Schofield has never been made out, because he has not paid for it..." [505]

"The difficulties of any new company were in this one so (very) great, which discouraged director Schofield, abandoned it the following year, losing more than thirty thousand pesos, and ruining himself, ..." [506]

---

499 Alvear quoted in *FO/6/6/53*. At that time, Montevideo was occupied by Brazil, and Paraguay stood separate; which Alvear admitted. The 'establishments′ on the Patagonian coast was presumably a reference to Lt.-Colonel Jose Gabriel de la Oyuela attempts to control fishing on the coast of Patagonia (see March and September 1821, above). Alvear made no mention of the Falkland Islands.

500 Schofield's expedition was an utter failure. From the arrival of the first ship in February, to the day that the last of the gauchos were taken off in July, 1824, the whole enterprise had lasted less than six months. There is no evidence that Areguati ever received an official title and so, contrary to a few outrageous claims, Areguati was not Argentina's 3rd 'Governor' of the Falkland Islands (counting Jewett and Mason as the first and second – a ridiculous notion). Once the last members of the expedition had been rescued there was nothing to show that they had ever been there. No flags flying. No marks and signs of sovereignty. Nothing except a few horses abandoned, to join the feral herds left by the Spanish. Nothing more. Whalers and sealers ruled unrestricted.

501 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835 ADM 1/43*

502 *Remark Book, HMS Rinaldo 1st July to 30th November 1824 Misc. Papers vol.50 (AD.2).* Gough (1992) places *Rinaldo* at Port Louis on July 1st, 1824, although this is not supported by any records. It is known that HMS *Rinaldo,* a packet (postal) ship, sailed from Falmouth, England for the '*Brazils'* on 16, July, 1824 and left Rio de Janeiro for England on September 19 that same year; arriving November 8, 1824. This places the Royal Navy vessel in the South Atlantic in August/September and the entry in the *Remarks Book* suggests that it is likely that Lieut. Moore returned to Berkeley Sound during that period. But why venture so far south from his route? It is tempting to speculate that he was investigating a complaint by Capt. Andrew Low, following the sealer's encounter with Areguati. *cf.* 1814

503 Schofield spent the next 14 months drinking himself to death. He died October 22, 1825; the cause given as consumption and alcohol abuse. Despairing, his wife, Sarah Schofield, returned to England in December, 1824. From there, in 1832, she petitioned the Buenos Airean Government for compensation regarding rights she believed that her husband had held over Soledad's wild cattle. However, a search of the Buenos Aires archive revealed only debts, not rights. Schofield would seem to have spun a different story to his wife, than the one told by Luis Vernet.

504 Vernet quoted in Caillet-Boise 1982 p.198. Losses recorded in the expedition's account book were recorded as 29,311 pesos. Perhaps more importantly, the land granted to Pacheco had not been surveyed as required. See below.

505 *Vernet to Samuel Fisher Lafone April 9, 1837* in *AGN VII, 130* quoted in Pascoe 2022 vol.1 p.537

506 Areco 1885 p.50

August 12th, at Buenos Aires, Aniceto Oviedo and the seven *peons* arrive to be paid off.

"The 1824 expedition had been an utter failure; it had not exported a single cattle-hide; it had not made a survey of the island (required for the grant to be valid under the terms of the grant of 18 December 1823), and it had made a loss of 29,311 pesos and 3 reales. That loss remained a millstone round Vernet's neck for the rest of his involvement with the Falklands." [507]

August 16th, in Buenos Aires, Woodbine Parish is sent a file by the Foreign Ministry; *"The papers which the Minister has the honor to send herewith contain all the Laws and Decrees particular by the Legislative Bodies of the Country which are not published in the Official Register of Buenos Ayres."* [508]

August 21st, from London, *Beaufoy* (Brisbane) sails for the South Atlantic. [509]

August 23rd, London grants to Woodbine Parish the power to negotiate a treaty; *"... which shall place on a regular and permanent footing the **commercial** intercourse that has so long subsisted between His Majesty's subjects and those States."* [510]

"The sudden appearance of this treaty question arose from the need of Canning and Lord Liverpool to formalize commercial relations as well as recognition. Nevertheless, they needed still further evidence of the stability and unity in the River Plate..." [511]

"... at Canning's request, what Parish needed to know was whether Buenos Aires's authority over the other provinces was sufficient to sign an international recognition agreement. As in the previous meetings in London, the same question loomed: who do they represent?" [512]

August 24th, the Buenos Airean government announces that: *"An Official Register shall be organised and published under the direction of the Ministry of Government. The Register shall be composed of all the laws, decrees, and orders, of a general tendency, or which demand a circular communication. ... Every thing inserted in the Register shall be considered to be officially communicated and published."* [513]

September 3rd, at the port of Falmouth in south-west England, Bernardino Rivadavia arrives. [514]

December 6th, on the Patagonian coast, *Beaufoy*, under the command of Matthew Brisbane, hunts seals.

December 9th, in Peru, the Battle of Ayacucho effectively marks the end of Spanish rule in South America. [515]

December 30th, from London, Foreign Secretary George Canning informs Washington DC that the British Government has decided to recognise the existence of three new American States – Mexico, Colombia and Buenos Aires. [516]

---

507 Pascoe 2020 p.84

508 *Parish Papers FO/354/6.* Mainly consisting of the reports of the proceedings of the National Congress between 1816 and 1819. No references to the Falklands archipelago. Parish was efficient in seeking answers to Canning's questions.

509 Weddell remained in England, writing up an account of his voyages.

510 *Canning to Parish August 23, 1824* in *FO/6/2/25*. My emphasis. This authority came with a number of caveats and Parish had to delay opening a negotiation until the Government of Buenos Aires had obtained the consent of all the other provinces to act on their behalf.

511 Gallo 2001 p.152

512 Cibotti 2006 p.76

513 *Decree Relative to the Publication of the Acts of Government* in *Noticias Historicas, Politicas, y Estadisticas de las Provincias Unidas del Rio de la Plata ...* Buenos Aires 1825. There had been at least two previous official *Gazettes* announced by Buenos Aires, following the declaration of independence in 1816.

514 *FO/6/6/88*

515 Costeloe 1986

516 Manning 1925 vol.3 p.1527

"What, then, was the state of things in the Spanish-American colonies at the time that the English Government thought itself justified in entering into diplomatic relations with them? In the first place it is to be observed, that the resistance of the insurgents to the Spanish authorities had been protracted for nearly twenty years. Over and again the Government of Spain had itself invoked the mediation of Europe. ... the principles to be deduced from this transaction are clear and intelligible enough. Where the Spaniards had practically abandoned the struggle to re-establish their sovereignty, the State, the independence of which was thus established de facto beyond the probability or almost the possibility of reverse, was admitted to be entitled to recognition." [517]

"In the last months of 1824 Canning decided to press for the recognition of the River Plate. In spite of his doubts and suspicions about the stability of the political situation... Parish's despatches had certainly done a lot to persuade Canning to take this decision. Around 3500 Englishmen were now residing in Buenos Aires, and 39 English commercial houses were already operating in the city,.." [518]

December 31st, Britain's decision becomes known to Spain.

"Spain's position rested on a single, consistent policy; recognition of independence would not be granted. That fundamental position was maintained throughout the reign of Ferdinand VII ..." [519]

In Paris, a French edition of Carey & Lea's *American Atlas* is published (detail below), revealing the '*Republic of Buenos Aires*'. Patagonia is separate, as is the Banda Oriental, Paraguay and Entre Rios. The Falkland Islands are still identified by their French name. Patagonia's northern border is portrayed as the Rio Negro.

517 *Letters by Historicus on some Questions of International Law* W. V. Harcourt 1863
518 Gallo 2001 p.155
519 Costeloe 1986 p.5

1825 – January 1st, Spain's First Minister, Francisco Zea Bermúdez, writes to Britain's George Canning.

> *"The King will never consent to recognise the new states of Spanish America and will not cease to employ the force of arms against his rebellious subjects in that part of the world."* [520]

"... Spanish king Fernando VII got wind of Britain's intention to recognise the United Provinces; Spain insisted that South America was eternally Spanish, and strongly objected to Britain's recognition of any part of it as independent. On 21 January 1825 the Spanish foreign minister Francisco de Zea Bermúdez (1779-1850) made a formal protest to the British chargé d'affaires at Madrid, saying "rebellion does not constitute a right", and accusing Britain of "disowning the legitimate rights of the King of Spain". ... Zea Bermúdez's letter was a valid diplomatic protest by Spain against Britain's recognition of the independence of what became Argentina. Protests are a universally recognised way of keeping claims alive ... and Spain's protests upheld Spain's rights (such as they were), at least for a while." [521]

January 4th, London's *Morning Chronicle* reports:

> *"Mr. Canning communicated to all the Foreign Ministers, in the afternoon of Saturday last, at the Foreign Office, that the Cabinet of his Britannic Majesty had come to the resolution of acknowledging the independence of Mexico and Colombia, and that Commissioners would be sent to those States, charged with full powers to conclude Treaties of Commerce between them and this country, founded on that recognition. The recognition of Buenos Ayres, which has long possessed a settled Government, may soon be expected. We understand that some further information, respecting its extent and external relations, is wished for before recognizing this State."*

January 16th, George Slacum arrives in Buenos Aires as Consul for the United States of America.

January 21st, Spain formally protests Britain's decision to recognise the independence of Buenos Aires.

> *"As to Buenos Ayres, England herself hardly can tell who it is that commands, or what form of Government exists there at present. ... H. M. considering that no act of proceeding of a third power can alter or weaken, much less destroy, the Right of His Sovereignty ... He neither acknowledges, nor ever will acknowledge, either directly or indirectly the independence of the Governments, which have established or shall hereafter establish themselves in Mexico, Terra-firma, Buenos Ayres, or any other part of His Trans-marine Dominions. ... H. M. declares also, that if, ... the Gov*, of H. B. M. shall persist in carrying into effect the conclusion of Treaties of Commerce with them, and the consequent diplomatick recognition which the communication of the English Minister announces, H. M. protests and will protest in the most solemn manner against these measures, by which the Treaties existing between the two Powers will be violated and the legitimate and imprescriptible Rights of The Throne of Spain attacked in the most serious manner."* [522]

"So far, then, as any practical rule can be deduced from historical examples it seems to be this – When a sovereign State, from exhaustion or any other cause, has virtually and substantially abandoned the struggle for supremacy it has no right to complain if a foreign State treat the independence of its former subjects as de facto established; nor can it prolong its sovereignty by a mere paper assertion of right..." [523]

---

520 Quoted in *Establecimiento de relaciones diplomaticas entre Espana y Argentina, Paraguay y Uruguay* Juan Carlos Pereira 2004

521 Pascoe 2020 pp.85-86

522 *Francisco de Zea Bermudez, Minister of Foreign Affairs, to His Britannic Majesty's Charge d'Affaires, Madrid.* Manning 1925 vol.3 p.1533. See Art.3 of the 1809 Treaty between Spain and Great Britain.

523 Harcourt 1863 p.9

"... as late as 1822 and 1825 (Spain) asserted her claim to the whole of South America (thus including the Falklands) by protesting against the recognition of the United Provinces of the River Plate by the United States and Britain. Those protests preserved Spain's rights at least for some time, during which Spain's continuing claim was an encumbrance on Argentina's claim." [524]

January 23rd, in Argentina, a Congreso General (General Congress of the Provinces) grants Buenos Aires specific powers to conduct negotiations with Britain on their behalf. [525]

January 28th, Buenos Aires recognises Woodbine Parish as Britain's accredited Minister Plenipotentiary with powers to agree a treaty of friendship and commerce. Garcia is appointed to represent the United Provinces. [526]

February 2nd, following talks, a *Treaty of Amity, Commerce, and Navigation* is signed.

> *"Art. I. There shall be perpetual amity between the dominions and subjects of his Majesty the King of the United Kingdom of Great Britain and Ireland, and the United Provinces of Rio de la Plata, and their inhabitants.*
>
> *II. There shall be, between all the territories of His Britannick Majesty in Europe, and the territories of The United Provinces of Rio de la Plata, a reciprocal freedom of commerce: The inhabitants of the two countries, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part of the said territories respectively; ... and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject always to the laws and statutes of the two countries respectively.*
>
> *III. His Majesty the King of the United Kingdom of Great Britain and Ireland engages further, that in all his dominions situated out of Europe, the inhabitants of the United Provinces of Rio de la Plata shall have the like liberty of commerce and navigation, stipulated for in the preceding Article, to the full extent to which the same is permitted at present, or shall be permitted hereafter, to any other nation."* [527]

"In 1825, Parish signed a commercial treaty with the Argentinians. It provided for mutual freedom of trade, complete protection of rights and property, equality under the law, and most favoured nation treatment. It granted, also, freedom of worship, the right to dispose of property by will, and consular administration of estates of British subjects dying intestate. It was perpetual, hence the legal basis of all later English commercial relations with the region, as well as a pattern for other South American treaties. It came fully into effect when, by an order in council of September 3, 1827, Great Britain gave Argentine vessels equality with British in British ports." [528]

---

524 Pascoe 2020 p.50

525 *John M. Forbes to John Quincy Adams January 23, 1825.* The Congreso General had commenced deliberations in December, 1824 with the aim of reforming the country after its 1820 break-up, but had not reported by this time. However, agreements would be reached in February, 1826, that allowed for a new President and national government to be elected. The General Congress also produced a draft-Constitution. See below.

526 *Noticias históricas de la República Argentina* Ignacio Nuñez 1857

527 *Articles II* and *III* permitted Argentine merchants/traders to operate within British territory. See https://falklandstimeline.files.wordpress.com/2018/03/treaty-of-amity-commerce-and-navigation-between-his-majesty-and-the-united-provinces-of-rio-de-la-plata-february-2-1825.pdf

528 Williams 1935

"As to the Treaty of Amity, Commerce and Navigation of 1825 not making a reference to the Malvinas or Falkland Islands, its text does not suggest that such reference should have to have been included. The document declared friendship and freedom of navigation with no reference to territorial rights. Moreover, at the time of its signing, no Argentine settlement was on the Islands." [529]

"... diplomatic recognition does not even confirm recognition of the extent of territory held de facto, let alone of de jure rights to territory, still less recognition of mere claims to territory that is not physically held. That would be absurd, as diplomatic recognition is always mutual – if it included recognition of claims to territory, then Argentina would also have recognised Britain's claim to the Falklands. ... Britain asked Buenos Aires and all the Argentine provinces for descriptions of their territories and products, and they submitted detailed accounts of themselves, including the extent of their territories without mentioning the Falklands. The United Provinces clearly did not include the Falkland Islands." [530]

February 3rd, the agreement is sent to the Congreso General for ratification.

"Under the 1825 agreement, the so-called most favoured nation principle ensured that tariff duties on British goods would never be higher than goods from other countries. The treaty exempted British merchants from the forced loans and military service of the kind Pueyrredón threatened to impose in 1818." [531]

February 15th, Buenos Aires proposes that Don Bernardino Rivadavia, already in London, be appointed as Minister Plenipotentiary to the Court of St. James, with Senor Don Ygnacio Nuñez to join him as Secretary of the Legations in both London and Paris.

February 18th, following three days of heated discussions – held *in camera* – the Congreso General approves the treaty. Much to the dismay of other foreign representatives.

> *"There has been a great deal of intrigue against our Treaty here amongst the foreigners, but principally set going by the Yankees who have been working in every way upon the ignorance of these people in such matters; and their Credulity in general. The American charge d'affairs here Mr Forbes has not confined himself to private insinuations but has addressed a note to the Government upon the subject, of which having privately obtained a Copy I am able to send it you herewith for Canning's information.*
>
> *Their great object has been to defeat the negotiations by persuading the natives that Great Britain is only working for her own Benefit and will certainly humbug them. That a Treaty is no Recognition and that the United States are their only sincere friends;- and ought to have the first place in their Estimation. They are very much out of humour at the Result."* [532]

February 19th, the treaty is ratified by Buenos Aires Governor, Juan Gregoria de las Heras. [533]

Parish writes to Canning.

> *"... fresh Credentials have been prepared in the name of the United Provinces for the Agents of this Government at present employed on Diplomatic Missions abroad, and Mr. Garcia informs me, it had*

529 Peña & Peña 2018
530 Pascoe 2020 p.86
531 Rock 2018 p.56
532 *Parish to Planta Feb 18, 1825* in *FO 6/8/83.* Original emphasis. *cf.* 1823
533 *Supplément au recueil des principaux traités d'alliance ...,* Friedrich Murhard & Friedrich Saalfeld 1828 vol.10 Pt. 2 . A commercial treaty, at best, providing *de facto* recognition of the United Provinces. Legal recognition (*de jure*) would have to wait until 1850.

been determined to send to Mr. Rivadavia, general Powers to act as Minister Plenipotentiary in the name of the nation, with the Courts of France, Holland, and Spain, with instructions to him, to endeavour to bring the former Governments to enter into Relations with these Provinces, and with respect to the latter, to avail himself of any circumstances which may arise, to come to any better Understanding with the Government of H.C. Majesty. It was his intention also to have sent to him similar Credentials for the Court of St. James; but I suggested to him, that it appeared to me to be more convenient for all Parties, especially now that our own Treaty was signed, that His Majesty's Government should be previously consulted, as to the footing upon which they would wish any Diplomatic Relations between the two Governments to be placed;... Mr. Garcia agreed ..." [534]

"The people of each of the revolted Districts of the Spanish American Provinces established their own Independence and their own Right of self-government within the Territory which they had occupied, but nothing more. ... when their political existence as independent States was acknowledged by other Countries, they contracted severally with those Foreign Countries such new Treaties as were applicable to their respective geographical limits and political condition; and neither they nor the foreign Powers with which they treated even thought of considering them as Inheritors of any of the Rights or Obligations arising out of the Treaty Engagements of the Spanish Crown." [535]

"When two nations have a territorial dispute and establish diplomatic relations, it is elementary that one or both reserve their rights or declare that the establishment of diplomatic relations does not in any way affect their respective positions. At the time, the government in Buenos Aires was intensifying its exercise of sovereign rights over the islands." [536]

February 22nd, from Buenos Aires, Griffiths is tasked with taking the agreement to London for ratification. He sails with Don Ygnacio Nuñez, who is carrying Bernadino Rivadavia's credentials. [537]

March 25th, from London, Foreign Secretary George Canning responds to Spain's January protest, in a letter addressed to Ambassador Camilo Gutiérrez de los Rios. [538]

"The questions which remain to be examined, are, whether in treating with <u>de facto</u> Governments now established beyond the danger of any external assailment, Great Britain has violated either any general principle of international Law, or any positive obligation to Treaty. To begin with the latter, as the more specifick (sic) accusation. M. Zea brings forward repeatedly the general charge of violated Treaties: but as he specifies only <u>two</u> that of 1809, and that of 1814, it may be presumed that he relies on them alone to substantiate this charge. ... [539]

---

534 *Parish to Canning, February 19, 1825* in *FO 6/8/108.* This trebling up of responsibilities was probably a means of reducing costs, but would cause some consternation back in Europe. Parish's comment about a consultation with London over the precise nature of the diplomatic relations would seem to reinforce the commercial nature of this treaty.

535 Quoted in O'Connell 1956 p.34 citing the answer to a letter by the British Foreign Secretary (?) of July 16, 1847 from Nicaragua's agent in London. In other words, inheritance from Spain was never a consideration.

536 Kohen & Rodriguez 2017 pp.107-108. 'Elementary'? At that time, Buenos Aires was doing nothing in the Falklands. No flags, no administration, no representatives. No people. No activity at all, in fact. In 1825, there was no sovereignty dispute nor, indeed, any dispute of any kind. Buenos Aires did not declare its pretension to the Falklands archipelago until 1829. Only then would there be a dispute. See below.

537 Nuñez 1857. See also *The Papers of Henry Clay Volume 4: Secretary of State 1825* Hopkins (ed.) 1982

538 Original in Spain's *General Archivo de Indias ES.41091.AGI/21//STATE, 91, N.42*. See https://falklandstimeline.files.wordpress.com/2018/06/canning-to-zea-march-25-1825.pdf See also Manning 1925 vol.3 p.1547. *cf.* 1809 & 1814

539 Original emphasis. See 1809 and 1814

> *To come now to the second charge against Great Britain, the alleged violation of general international Law:- Has it ever been admitted as an axiom, or ever been observed by any nation or Government, as a practical maxim, that no circumstances, and no time, should entitle a de facto Government to recognition? …* [540]
>
> *M. Zea concludes, with declaring that His Catholic Majesty will protest in the most solemn manner against the measures announced by the British Government, as violating existing Treaties; and the imprescriptible rights of the Throne of Spain. Against what will Spain protest? It has been proved that no Treaties are violated by us; and we admit that* ***no question of right*** *is decided by our recognition of the New States of America. …* [541] *The Undersigned is directed, in conclusion, to express the anxious hope of his Government, that a discussion, now wholly without object, may be allowed here to close."*

"Canning's distinction between de jure and diplomatic recognition and his application of it to the Spanish-American colonies are significant. … this recognition 'of right' reflected the then influential principle of legitimacy." [542]

"In 1825 Spain still claimed the Falklands, and maintained her rights there by protesting,…" [543]

In Europe, the nations of Austria, Prussia, France and Russia formally object to Britain's unilateral recognition of the United Provinces.

"… there can be no doubt that under the rules of the prevailing international order Spain was the sovereign authority in the Americas." [544]

April 3rd, in the Falklands, at New Island, Matthew Brisbane anchors *Beaufoy* in Shallop Cove for the austral winter. [545]

April 19th, from Buenos Aires, a group of thirty-three revolutionaries led by Juan Antonio Lavalleja, supported by Argentine troops, cross the Rio de la Plata to ferment resistance to Brazil's occupation of the Banda Oriental.[546]

April 27th, US Secretary of State, Henry Clay instructs his envoy in Spain to urge a cessation of attempts to regain lost Spanish territory in the Caribbean and South America.

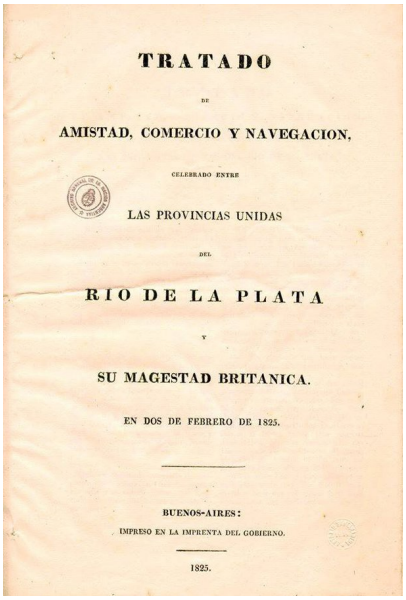
May 8th, Griffiths and Nuñez arrive in England. Secretary Canning writes to Woodbine Parish to express his satisfaction with the accord.

> *"Having laid these despatches before the King, I have received H.M's Commands to express to you HM's entire satisfaction at the conclusion of the Treaty of Amity Commerce with the United Provinces of Rio de la Plata, in a manner so exactly conformable to your Instructions…"* [547]

---

540 Original emphasis.
541 My emphasis.
542 Crawford 2007 p.378
543 Pascoe 2020 p.86
544 Calvert 1983
545 Brisbane remained around the islands until September 27, 1825. Following further sealing on the Patagonian coast, he returned to England on March 29, 1826.
546 Portuguese Brazil had invaded the east bank of the Rio de la Plata in 1816; maintaining its occupation after Brazil's own declaration of independence in 1822. Buenos Aires considered the eastern bank to be its own territory 'inherited' from Spain. *cf.* 1828.
547 *Canning to Parish May 24, 1825* in *FO 6/7/21*

May 10th, in London, the *Treaty of Friendship, Commerce and Navigation* is agreed by Britain's parliament. British and Argentine ratifications are exchanged at a conference with Bernadino Rivadavia. [548]


TRATADO

DE

AMISTAD, COMERCIO Y NAVEGACION,

CELEBRADO ENTRE

LAS PROVINCIAS UNIDAS

DEL

RIO DE LA PLATA

Y

SU MAGESTAD BRITANICA.

EN DOS DE FEBRERO DE 1825.

BUENOS-AIRES:

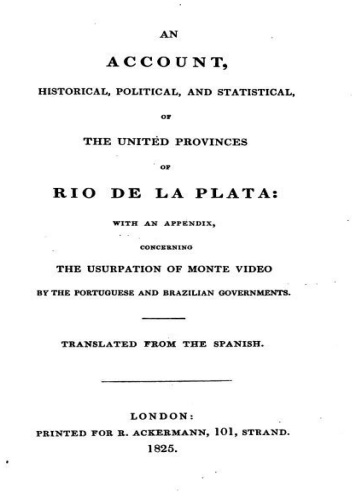
IMPRESO EN LA IMPRENTA DEL GOBIERNO.

1825.

"On July 9, 1816, Argentine independence was proclaimed, but the war continued, as is known, until the Battle of Junín. Independence was only recognized by Great Britain in 1825." [549]

"It is important to note that the 1825 treaty in no way implied British recognition of any claim by Argentina to the Falkland Islands. Diplomatic recognition merely formalises the acceptance of the existence of a state and of its government's authority; it does not indicate recognition of any specific territories as being ruled by that government." [550]

In London, Ygnacio Nuñez, Secretary to the United Provinces' Legation, has printed an updated version of the 1824 description of his country that he, when Chief Officer at the Foreign Ministry in Buenos Aires, provided to Woodbine Parish. This publication lays out the political organisation and geography of the United Provinces, including longitude and latitude readings for the main towns. Nuñez places the most southerly of the United Provinces' settlements at latitude 37° S and the southern boundary at 37.5° S plus 50 leagues. [551]


AN

ACCOUNT,

HISTORICAL, POLITICAL, AND STATISTICAL,

OF

THE UNITED PROVINCES

OF

RIO DE LA PLATA:

WITH AN APPENDIX,

CONCERNING

THE USURPATION OF MONTE VIDEO

BY THE PORTUGUESE AND BRAZILIAN GOVERNMENTS.

TRANSLATED FROM THE SPANISH.

LONDON:

PRINTED FOR R. ACKERMANN, 101, STRAND.

1825.

"Author of the work published in London under the title of "Historical, Political and Statistical News of the Provinces of the Rio de la Plata" printed in Spanish, English, French and German." [552]

June 15th, in the Falklands, at Swan Island, *Superior* (Penlington) anchors near *Beaufoy*. [553]

July 5th, in London, a new post of *Permanent Under Secretary for the Colonies* is created within the *War and Colonial Offic*e. Robert William Hay is appointed to the position.

July 23rd, Consul Charles Griffiths returns to the United Provinces, carrying news that Woodbine Parish is appointed British *chargé d'affaires* to Buenos Aires; pending the arrival of a Minister.

"The names and the titles always signified something;... Consul-General or Charge d'Affairs where the regime in power was not officially recognised ... or diplomatic relations were otherwise politically complicated or

548 See - https://falklandstimeline.files.wordpress.com/2018/03/treaty-of-amity-commerce-and-navigation-between-his-majesty-and-the-united-provinces-of-rio-de-la-plata-february-2-1825.pdf

549 *Las Islas Malvinas en la Historia* Bonifacio del Carril 1964 in *Diario La Nacion* July 26, 1964

550 Pascoe 2022 vol.1 p.546

551 *Noticias Historicas, Politicas, y Estadisticas de las Provincias Unidas del Rio de la Plata ...* Buenos Aires 1825. Printed in English and Spanish (and French 1826), forty-two places of interest are listed with their latitudes and longitudes together with descriptions of the various provinces. No mention was made of the Falkland Islands. See https://falklandstimeline.files.wordpress.com/2018/01/an_account_historical_political_and_stat.pdf (English) or https://falklandstimeline.files.wordpress.com/2023/04/noticias-historicas-politicas-y-estadisticas-de-las-provincias-unidas-del-rio-de-la-plata.pdf (Spanish).

552 *Autor de la obra publicado en Londres bajo el titulo de "Noticias Historicas, Politicas y Estadisticas de las Provincias del Rio de la Plata" impresa en castellano, ingles, frances y aleman* in Nuñez 1857

553 Pascoe 2024 2nd edition vol.1

incomplete, or where a more junior diplomat was minding shop in the absence of a fully fledged Head of Mission." [554]

August 6th, in Buenos Aires, Woodbine Parish, in his new capacity, is formally presented to the Governor.

After 16 years of war, the Republic of Bolivia is proclaimed. [555]

September 23rd, in the Falkland Islands, the British brig, *Bahia Packet*, arrives in need of repairs.

"On the 22d made the island of Bauchain (sic), and on the 23rd, came to anchor in a bay of the Falkland Isles, and sent the whale boat, chief mate, and crew, on shore, in pursuit of inhabitants; but am sorry to say we found nothing but wild horses, pigs, and fowls; and after several days search, we found the remains of a Spanish ship of war in a fresh water pond, inland, sanded up, and which we purchased, with the use of spades, kedge anchor, and tackles, and recovered nails, bolts, &c., to secure our rudder to run for the River Plate,..." [556]

September 25th, from Spain, the US Envoy Extraordinary & Minister Plenipotentiary, Alexander Hill Everett, reports to Washington DC.

> *"... (the Minister) remarked repeatedly, that the King would never abandon his claim to these His ancient and rightful Possessions;... I said to him, however, that I regretted to hear from him so decisive a declaration of the King's resolution not to acknowledge the new States; that my Government had hoped that the battle of Ayacucho, and the recognition of England, would have been considered by his Majesty as settling the question,.."* [557]

September 26th, Canning writes to Parish expressing his concerns regarding the renewed dispute between Buenos Aires and Brazil over the Banda Oriental (map detail right). [558]

September 27th, in the Falklands, after a sojourn of six months, Matthew Brisbane sails *Beaufoy* from New Island.

October 10th, as a war with Brazil seems imminent, Luis Vernet persuades Pacheco to form a shell-company to circumvent any Brazilian blockade of the Rio de la Plata. A British merchant company based in Buenos Aires, Green & Hodgson, become the erstwhile owners of the rights to hunt cattle on Soledad Island. [559]

"., a bogus contract was also made out ceding Pacheco's rights of usufruct to two British merchants called Green and Hogson. This contract dated 10 October 1825, was signed by ***three Buenos Aires notaries****, ... A secret contract was drawn up, also dated 10 October, 1825, reversing its provisions and ensuring that Green and Hodgson had no genuine title"* [560]

October 11th, in London, despite the issue of Rivadavia's credentials not having been resolved, plus the King's initial reluctance and the misgivings of the Duke of Wellington; King George IV declares his intention to receive Rivadavia as the Minister from Buenos Aires. [561]

---

554 *The Spanish Ambassador's Suitcase* Matthew Parris & Andrew Bryson 2012

555 Previously known as Upper Peru. See 1816.

556 *Caledonian Mercury* January 1, 1826

557 *American State Papers, Senate, 19th Congress, 1st session Foreign Relations: Vol.5 p.795* also *British & Foreign State Papers 1825-1826 p.432.* Spain's Prime Minister was Francisco de Paula de Zea (Cea) Bermúdez y Buzo

558 *FO/6/7/52.* See 1828 below

559 While Brazilian forces would attempt to prevent any departures of vessels associated with Buenos Aires, they would not interfere with those that were, on the face of it at least, pursuing British business interests.

560 Pascoe 2022 vol.1 pp.553-554 citing *AGN VII 127, doc.22.* My emphasis.

561 Rivadavia's credentials were for Britain, Holland and France, a novel situation that was unacceptable to the Court of St. James. However, Rivadavia did not await an answer, instead departing Europe in something of a huff.

October 20th, from Madrid, US Envoy Everett, reports following a further conversation with First Minister Zea Bermudez.

"He said that they were, and always had been, ready and willing to accept any proposal for mediation, or to treat directly with the colonies, upon the basis of their previous submission to the King's sovereign power; but that they would never consent to negotiate in any way upon any other terms;..." [562]

"... non recognition was with the king an article of faith. His conscience, his religion he might call it, would forever prevent him from thinking of such an arrangement." [563]

November 25th, in Buenos Aires, Luis Vernet, in debt due to the losses incurred by the Schofield expedition, decides upon a second attempt to exploit Soledad's cattle. Vernet's brothers, Emilio and Carlos, agree to go, as does brother-in-law, Loreto Sáez. Twenty-five gauchos contract to hunt the cattle. [564]

"... on 25 November 1825 an agreement was drawn up listing 28 men; Vernet's brothers Emilio and Carlos were to go to the islands too, plus his wife's brother Loreto Sáez." [565]

"(Vernet) did not envisage forming a permanent settlement in the islands; no women were involved, and he planned to take only gauchos – the sole purpose of the enterprise was cattle-killing, and the gauchos were merely his employees." [566]

In **December**, in London, Manuel de Sarratea arrives as *charge d'affairs* for the United Provinces.

December 10th, in the South Atlantic, George Norris, captain of the sealer *Sprightly*, out of London, lands on an island far to the east of South Georgia, naming it Liverpool Island and claiming it for Britain's King George IV.[567]

December 26th, Secretary Canning informs Parish that Lord Ponsonby is to be appointed; *"... His Majesty's Envoy Extraordinary and Minister Pleny(potentiary) to the United Provinces."* [568]

December 31st, in Buenos Aires, Luis Vernet and a Frenchman, Aristide Sacristie, enter into a contract with Jorge Pacheco; allowing Vernet and Sacristie to make use of Pacheco's grants on Soledad Island. Sacristi and his associates are to invest 3,400 silver pesos, while Vernet is to find a further 11,600 pesos. 15,000 pesos in all.[569] An agent, Shipmann, takes a concession to sell the produce (meat and hides) for a 5% commission. [570]

"... at the end of 1825 he formed with several friends a company with which he hoped to make a new expedition to the fascinating islands." [571]

---

562 *American State Papers, Senate, 19th Congress, 1st session Foreign Relations: Vol.5 p.796*
563 Zea Bermudez quoted in Costeloe 1986 p.220
564 Among the gauchos was Manuel Coronel, who had been on the 1824 expedition. See 1841.
565 Pascoe 2020 p.90 citing *AGN VII, 129, doc.56*
566 Pascoe 2022 vol.1 p.553
567 Bouvet Island; first sighted by a Frenchman on January 1, 1739 but lost again. Norris' was the first recorded undisputed landing and claim. However, Bouvet Island was not visited again until 1927 when a Norwegian expedition stayed there for a period, and also claimed it. Britain renounced its claim in favour of Norway in November, 1929.
568 *Canning to Parish December 26, 1825* in *FO 6/7/95*
569 *AGN VII, 129*. Aristides Sacriste sold his shares back to Luis Vernet on February 6, 1828. See *AGN VII 129, doc.56*
570 Another contract that has never been published. Vernet was fastidious when it came to preserving records, so it seems unlikely that these documents are not available somewhere.
571 Caillet-Bois 1982 p.198

1826 – January 3rd, in Buenos Aires, Luis Vernet goes to the British Consulate where he presents the (bogus) contract between Pacheco and Green & Hodgson. [572] Vice-Consul Poussett authenticates the notaries' signatures on that contract by signing his own name and title, "*Richard D. Poussett HBM Vice Consul*" and affixing the embossed paper seal of the British Consulate. [573]

"... the British consulate's seal affixed to said grants, lulled me... into security ..." [574]

"I got certified by the British Consulate at Buenos Aires, with no other intention at the time than to ensure respect (as to their authenticity,) from foreigners who might touch at the islands,.." [575]

"... it would appear Vernet had become aware of Britain's interest in the islands as before sailing,... he took his grant to the British Consulate where it received their stamp." [576]

"These writings were certified by the British consul in Buenos Aires, Richard Ponfsett (sic), on January 3, 1826. There was not the slightest reaction. If they were British Islands, the British representative in Buenos Aires would have objected to the concessions made by a foreign government. Not only he did not react, but the British Consul certified the authenticity of the documents relating to such Argentine concessions." [577]

"On 3 January 1826 all those papers were countersigned by the British vice-consul in Buenos Aires, Richard Poussett, who merely confirmed the authenticity of the signatures, quite possibly without reading the documents – it was not necessary to know the content of documents in order to confirm that they were valid where issued. The consulates of many countries offered (and still offer today) an authentication service: the consular officials state officially that the signatures are authentic and that the documents are valid in the country of issue. Vernet seems to have assumed that in presenting his documents to the British consulate he was informing the British government of his activities and demonstrating that he was not concealing anything. But he was mistaken." [578]

"However, the documentation shows that Poussett did not inform the British government of Vernet's concession. ... So the British government remained in ignorance of Vernet's concession... Vernet seems to have presumed that his openness meant Britain would not object to his activities, and that therefore in effect he had British permission to continue..." [579]

January 12th, from Ensenada, Vernet's expedition sails in the British registered ship *Alert*. Gauchos remain out of sight below decks until the ship passes the Brazilian blockade in the Rio de la Plata. As there is a ban on horses leaving the city, *Alert* carries none.

"... another expedition dispatched under this date from Buenos Ayres per English brig "Albert" (sic), captain Ure to transport more horses to the Island, in prosecution of the object (to hunt wild cattle), in circumstances

572 It is not clear what other papers may have been presented to the Vice-Consul.

573 Pascoe 2022 vol.1 pp.553-554 citing *AGN VII 127, doc.22.* The contract between Pacheco and Green & Hodgson has never been published. We know that Poussett authenticated some signatures, but, without an original, we do not know what, exactly, was written above them. Commentators, such as those below, refer to a transfer of Pacheco's concession. But which concession? The *usufruct* to hunt seals and cattle, or the (incomplete) grant of lands? Or both? Without knowing what information this bogus contract contained, no conclusion regarding an authentication counter-signature can have any real meaning. *cf.* 18 23, 1828, 1852, 1856 & 1858

574 *Vernet to Parish 23 July 1834, PRO FO 6 501, fol. 148 verso* quoted in Pascoe 2020 p.91.

575 *Vernet to Lord Stanley April 26, 1858* in *CO 78/43*. Thirty-two years after the event, Vernet sent two letters, one public, one private. This is from the latter. *cf.* 1824

576 Cawkell 2001 p.48. No source cited. The grant was to Pacheco, not Vernet.

577 Kohen & Rodriguez 2016 p.141

578 Pascoe 2020 p.90

579 Pascoe 2022 vol.1 p.554

that this port was blockaded by Naval forces of H.M the Emperor of Brazil, which did not permit the Brig to depart with horses on board, but only with the provisions and supplies for the people of the Expedition." [580]

"... your Memorialist being determined to persevere in the undertaking, proceeded himself to the Island in January, 1826 to superintend the operations." [581]

"... in 1826 Louis Vernet, a naturalised citizen of Buenos Aires, undertook a purely private venture to establish a small settlement at Puerto de la Soledad." [582]

"The Alert left Ensenada on 12 January 1826 with the gauchos hidden below decks, and as a British ship she was allowed to pass, but only in ballast; the vital horses were not allowed through." [583]

January 26th, Vernet arrives off Carmen de Patagones, where he still owns 200 horses. However, Vernet finds his access blocked by a Brazillian ship, *Maria da* Gloria (Beaupere).

"... horses had been purchased beforehand in Rio Negro of Patagonia, 208 in number, to be taken in there by the Brig "Albert" (sic), having the news that the river was not blockaded. But it was soon found to be likewise blockaded and being shown off by the Brazilian Corvette "Maria da Gloria", ..." [584]

After another failed attempt to anchor at San Blas, *Alert* diverts towards Bahia Blanca; *"... which was then in the hands of the Indians."* [585]

January 29th, arriving off Bahia Blanca, *Alert* proves to have too deep a draught to sail up the river and grounds, resulting in a leak that prevents further travel.

February 6th, in Argentina, the Congreso General vests executive power in a new office of President. Bernardino Rivadavia is elected, however the Province of Córdoba rejects the appointment and retires from the Assembly.

February 28th, in London, Lord John Brabazon Ponsonby is formally appointed 'Minister Plenipotentiary and Envoy Extraordinary' to the River Plate Provinces. In addition to his other duties, Ponsonby is tasked with negotiating a peace between Brazil and the United Provinces in their dispute over the Banda Oriental.

March 6th, at Bahia Blanca, after repairing his damaged ship, Vernet is finally in a position to meet with the Indians; who, he discovers, will not sell their own horses.

March 16th, following protracted talks and an exchange of gifts, Vernet is permitted to send men overland to obtain his horses from Rio Negro.[586] Manuel Coronel sets off with four other gauchos and 100 gold doubloons.

"... I had to put into Bahia Blanca with the Expedition in order to get horses by land from the Rio Negro. This could not be accomplished until May." [587]

---

580 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

581 *Vernet's Memorandum Presented 7th May, 1852* in *CO 78/43. cf.* 1828, 1829 & 1852

582 Foreign Office submission to the Parliamentary Foreign Affairs Committee in 1983. *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984.* Vernet also claimed to be a citizen of Hamburg. It is unlikely that he had become a citizen of Buenos Aires in any legal sense. Certainly, no evidence of a naturalization process has ever appeared.

583 Pascoe 2020 p.91

584 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

585 Vernet quoted in Caillet-Bois (6th ed.) 1982 p.200

586 The "*gifts*" amounted to 2,820 silver dollars. More than the original cost of the 208 horses. See - https://falklandstimeline.wordpress.com/wp-content/uploads/2024/08/cost-of-the-colony-of-port-saint-louis.pdf

587 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

"At the end of March they returned empty handed, bringing an order from the local commandant not to trade with the Indians – that was a privilege of Rio Negro residents. Vernet sent them back to Rio Negro with an explanation of their mission." [588]

May 4th, Vernet's gauchos finally return with horses, however *Alert* only has room for 48, so Vernet sends the remainder to the San Jose peninsula; under the control of 16 gauchos, including Jean (Juan) Simon. Vernet provides them with six months supplies. [589]

May 13th, from Patagonia, two months later than expected, Luis Vernet sets out for the Falklands; *"... a repeat of the 1824 expedition, a purely commercial cattle-slaughtering scheme with gauchos but no women, since there was no intention to found a settlement."* [590]

May 26th, from London, HMS *Adventure* and HMS *Beagle* are ordered to the south Atlantic by Britain's Admiralty; to undertake a hydro-graphic survey of Patagonia and Tierra del Fuego.

In **June**, at the Falklands, English sealers *Star* and *Sprightly* hunt around the archipelago. [591]

June 8th, in Britain, the question of the obligations of new South American States is raised.

"The Spanish colonies in South America which seceded in the early portion of the nineteenth century did not regard themselves, speaking generally, as bound by the treaties of Spain. The British Foreign Office was advised by the King's Advocate on 8 June 1826 that a convention of 1790 relating to fishery rights in the South Seas 'will not, I conceive, be applicable to the present state of South America.' ..." [592]

June 9th, in the Falklands, after six days of trying, in adverse weather conditions, Vernet's expedition finally sails into Berkeley Sound. Mid austral-winter, his gauchos, seeing snow for the first time, have to be persuaded to leave the ship to obtain fodder for the remaining stock. A third of the horses have died of stress and hunger, while the survivors are in a poor condition. [593]

> *"Arriving now on a bleak desert island in the middle of winter, with a scarcity of provisions, and dying horses, was a sad initiation to the great enterprize of catching and domesticating wild cattle. The gauchos considered themselves deceived and would not leave the ship. Again I was advised to abandon the undertaking and to return to Montevideo,.."* [594]

"On June 9, 1826, we arrived at Isla de la Soledad, which is the one that has been inhabited and is located at 51° 30' latitude. Its port in which there were two English fishing vessels is called the port San Luis: (the) mouth looks east about two miles wide, and about 25 miles long, its bottom varied and some stones. We went to the

588 Pascoe 2020 p.91

589 Simon was a gaucho of French stock. See below.

590 Pascoe 2020 p.88

591 *Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826* in *CO 78/01*

592 O'Connell 1956 p.34 citing *FO 83/2366, Appendix no.3.* 1790 is clearly a reference to the Nootka Sound accord of that year. More importantly, if the Anglo-Spanish treaty did not bind the new South American States, how could Spain's rights have transferred to them? Inheritance must include all, or nothing.

593 Despite not formally announcing its pretensions (only made public in 1829), it can be argued that from this date, June 9, 1826, Buenos Aires occupied the Island of Soledad. Buenos Aires. Not the United Provinces, whose government had not authorised any such act. The status of this expedition from Buenos Aires is disputed. New owners or trespassers? If Spain's rights had diminished after 1811, then Buenos Aires had commenced an occupation of Soledad. If Spain's rights were still good, however, then Buenos Aires had no right to be there. A trespass can, in some circumstances, provide rights greater than that of the owners, but only after a lengthy period of time and with effective (controlling) occupation. Vernet would discover that he had very little time – and almost no effective control. *cf.* 1882

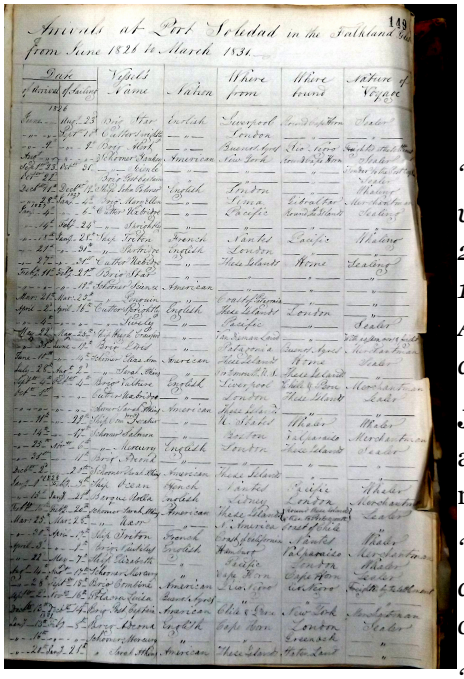
594 Vernet quoted in Bernhardson 1989 p.171

town that is 5 blocks away from the pier: we found it deserted, all its buildings destroyed, and only the walls of the Church and hospital were still standing, but without roofs. …" [595]

"Spain behaved in 1811 very much in the same way as Britain had in 1774, withdrawing from the Islands and leaving behind signs of possession. The animus derelinquendi did not exist in either case, which is essential to consider a territory res nullius and open to be occupied by others. The thesis that in 1826 Argentina occupied a territory that was res nullius is therefore not sustainable." [596]

"… for almost two years from July 1824 to June 1826 there was no Argentine presence whatever in the Falklands – but plenty of British and American ships, upholding the customary rights they had acquired over the previous 60 years." [597]

Luis Vernet commences a record of ships entering Berkeley Sound (left).


Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831

Date of Arrival & Sailing	Vessel's Name	Nation	Where from	Where bound	Nature of Voyage
1826					
June 23	Dis. Star	English	Liverpool		Sealer
" "	Cutter Swift	" "	London		"
" "	Brig Hawk		Buenos Ayres	Rio Negro	Sealer
" "	Schooner Packet	American	New York	Rio Negro	"
" "	Sloop Nimble				"
July 22	Sloop Harrison	English	London		Whaler
" "	Brig Isabella Ann	"	Sierra Leone	Gibraltar	Merchantman
" "	Cutter Harriet	"	Pacific	North Atlantic	Sealing
" "	Sloop Swift				"
Aug. 24	Ship Sophia	French	Nantes	Lagos	Whaler
" "	Brig Ann	English	London		"
" "	Cutter Nimble	"	Mare Islands	Wine	Sealing
" "	Brig Hawk				"
" "	Schooner Jane	American			"
" "	Cutter Packet	English	Mare Islands	London	"
" "	Sloop Swift	"	Pacific		Sealer
" "	Brig Hawk				"
" "	Schooner Jane	American			"
" "	Cutter Packet	English	Liverpool	Falk. Islands	Merchantman
" "	Sloop Swift	"	London	Mare Islands	Sealer
" "	Schooner Jane	American	Mare Islands		"
" "	Brig Hawk	"	N. States	Rhone	Whaler
" "	Schooner Jane	"	Boston	Valparaiso	Merchantman
" "	Brig Mercury	English	London	Mare Islands	Sealer
" "	Brig Hawk				"
" "	Schooner Jane	American	Mare Islands		"
" "	Ship Ocean	French	Nantes	Lagos	Whaler
" "	Brig Swallow	English	Sydney	London	Sealer
" "	Schooner Betsy	American	Mare Islands		"
" "	Ship Boston	French			"
" "	Brig Swallow	English	Hamburg	Valparaiso	Whaler
" "	Schooner Betsy		Pacific	London	Sealer
" "	Schooner Jane	American	Cape Horn	Callao	"
" "	Brig Hawk	"	Chile & Peru	New York	Merchantman
" "	Brig Swallow	English	Cape Horn	London	Sealer
" "	Schooner Betsy				"
" "	Schooner Jane	American	Mare Islands		"

"Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9th June, 1826." [598]

"… running from June 1826 to January 1832 … There were 9 ships that visited Port Louis in 1826; 22 in 1827; 11 in 1828; 16 in 1829; 23 in 1830; 26 in 1831, and 2 in January 1832. Some ships paid several visits; the 109 entries in 5½ years represent 61 individual ships, of which 26 were American, 22 British, 6 French, 4 from Buenos Aires, 2 from "Malvinas" and 1 Swedish." [599]

June 11th, in the Falklands, with the weather improving, Vernet is finally able to step ashore. The surviving 35 horses are released to feed and recuperate.

"… two days after a spell of fine weather set in, which melting the snow discovered the beautiful green tussock fields, and the great expanse of country covered with verdure, which cheered every man's spirit." [600]

"The length of time from 11 June 1826, when Louis Vernet landed on the southern shore of Berkeley Sound, to 7 November 1831, when he finally left the islands by his own decision, was less than 5½ years, and he was absent for about half that period. During those 5½ years there was a constant turnover of people at the settlement at Port Louis – of the 25 men who landed with Vernet in June 1826, exactly two were still there five years later in June 1831 (Juan Gregorio Sánchez and Dionisio Eredia); all the others had left and been replaced by roughly as many new men. Many people spent only a few months at the settlement before leaving again – they spent less time in the islands than many of the British and American sealers and whalers, who are usually regarded as temporary visitors." [601]

---

595 Letter dated February 10, 1830 signed by Loreto Sáez, Vernet's brother-in-law.
596 Peña & Peña 2018
597 Pascoe 2020 p.87
598 *CO 78/01*. Generally referred to as the *Port Louis Sailing List* (See Pascoe 2020). However, the document supplied by Luis Vernet to Woodbine Parish listing arrivals is headed *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831.* See - https://falklandstimeline.files.wordpress.com/2022/12/arrivals-at-port-soledad-in-the-falkland-isles-from-june-1826-to-march-1831.pdf
599 Pascoe 2020 fn.4 p.91
600 Vernet quoted in Bernhardson 1989 p.171
601 Pascoe 2020 p.88

June 16th, after five days of adversity, the expedition finally reaches Puerto Soledad, at the head of the Sound. With the expedition short of horses, Vernet's gauchos are fortunate to find 22 of those abandoned in 1824, sheltering in the ruins. Also at the port is the sealer *Sprightly,* and a brig, *Star*.

"A silence of death reigned over the place, silence that was only interrupted by the screech of the marine birds: "a cloudy sky, a sun without force, red meadows, mountains ..." (A) brick house totally in ruins, such was the picture that faced the head of the company... when Vernet occupied the site, he found only piles of rubble, the only remains of what had once been so many houses. Such ruin was produced, apparently, by the extraction that the fishermen made of the wood contained in the ceilings and walls, wood that they destined to feed their bonfires. However, these ruins served as the basis for the erection of the Establishment, since the newcomers took advantage of the materials so comfortably offered, and with them built their homes" [602]

"In the place where the old island settlement was installed, Vernet founded (or rather, re-founded) Puerto Luis and carried out his commercial activity exclusively as a private individual until the middle of 1829." [603]

In England, on the same day, Matthew Brisbane takes command of the *Prince of Saxe Coburg*, part owned by James Weddell, for a sealing voyage to the South Atlantic.

June 22nd, in Panama, representatives of the revolted Spanish colonies meet.

"That congress was summoned by Bolivar, and was intended primarily to induce the Spanish-American states to form a united league against Spain, and force her to grant them recognition. ... the question of a purchase scheme, of paying a sort of tribute in return for recognition, was discussed. It was eventually rejected. Canning had instructed Dawkins to offer the good offices of England for reopening negotiations with Spain, but refused to recommend or give an opinion on this purchase scheme." [604]

In Buenos Aires, Consul Walter Cope is attached to the British Legation.

June 24th, in the Falklands, Vernet initiates a reconnaissance of the territory around the old Spanish *presidio* of Puerto Soledad.

"The first thing we found were two pigs that were killed to eat leaving the young. After three days we saw some cattle. The repeated snowfalls, cold and bad muddy and shifting ground in very broken fields delayed the horses, and we had to stay alone because the two laborers went back to the town. We continued our reconnaissance for 25 days in which we would walk 40 or 45 leagues. We would see about two thousand head of cattle divided into herds. To the south the land is firmer with good pastures, and larger and fatter cattle. To the north is the opposite, bad ground, hard puna grass, small and skinny cattle. No tree(s) ... Shrubs about 3 feet in abundance and called Fachinales. ... Foxes, rabbits and rats, galore. Many aquatic and bathing birds whose eggs contribute to food. Only one species of fish is known but a lot of shellfish. The coasts with many Wolves. There are no reptiles or insects, undoubtedly because of the very cold:...The vegetables, and the legumes that are seeded, do not reach maturity." [605]

"... which led them to the summits towards the South; Then they recognized the land between the east coast and the mountain chain." [606]

---

602 Caillet-Bois 1982 pp.201 & 214. Reminiscent of Lesson's (1838) description. See 1822.

603 *Malvinas: Hombres, Ganados y Technologia Rural Criolla (Siglos XVIII y XIX)* J. F. Jiminez, S. B. Alioto & D. Villar 2018

604 *The Later American Policy of George Canning* H.M.V. Temperley in the *American Historical Review* vol.11 No.4 July 1906. Britain was represented, following an invitation from Bolivar.

605 Letter dated February 10, 1830 signed by Loreto Sáez. The shrubs would have been Tussock Grass.

606 Caillet-Bois 1982 p.202.

"Unlike Bougainville and his companions, (Vernet) was on horseback, with his "brothers", by which he means his brother Emilio and his brother-in-law Loreto Sáez. They were accompanied by two gauchos and an old roguish convict from the Spanish presidio days, whom they had brought as a guide, but whom Vernet does not name." [607]

In **August**, the American sealer *Yankey*, arrives in Berkeley Sound. [608]

August 17th, at Puerto Soledad, Vernet arrives back at ruins, where he suppresses a rebellion by disenchanted gauchos.

"... On his return, he was lucky to discover a conspiracy that (he) managed to abort." [609]

While he was away, a house for Luis Vernet has been made ready.

"The crews of the Sprightly and the Star helped to make Port Louis habitable and built several houses for Vernet and his men, using stone from the ruins of the former French and Spanish buildings. The largest new building was Vernet's own house, which he called "the principal house", ... it was of one storey with a large roof garret, and was intended to be shaped like an H turned on its side. The southern block was 80 feet east to west and 25 feet north to south (24.6 metres by 7.7 metres);..." [610]

September 9th, from the Falklands, *Alert,* carrying Luis Vernet and a number of rebellious gauchos, sails for the San Jose peninsula to collect the remaining horses. They almost immediately encounter bad weather, which forces them to change course towards Montevideo.

"... the first of several long absences, this time for over eight months. In the two years from his arrival he spent less than four months in the Falklands: three months from June to September 1826, and then less than three weeks in June 1827, after which he was away again till August 1828, leaving affairs at Port Louis to his brother Emilio (Jean Émile, b. 1800), who remained at Port Louis without interruption from June 1826 to March 1831." [611]

September 15th, in Buenos Aires, Britain's Envoy-extraordinary and Minister-Plenipotentiary, John Ponsonby, finally arrives on HMS *Ranger*.

> *"In September 1826, Lord Ponsonby arrived from England charged to mediate between the Belligerents:- No Secretary of Legation was appointed and I was desired to do the duties of that office, an arrangement which as Mr. Canning signified to me he was induced to propose because my intimate knowledge of the State of Affairs, and acquaintance with the leading Persons of the Govt. of Buenos Ayres, he expected would enable me to render to his Lordship the most effectual assistance."* [612]

September 19th, in Buenos Aires, Ponsonby presents his credentials to the Government.

September 23rd, at Puerto Soledad, Lieut. George Bynon, in the Buenos Airean corvette *Chacabuco*, anchors [613]

---

607 Pascoe 2022 vol.1 pp.559-560. The gauchos were likely to have been Manuel Coronel and Aniceto Oviedo. The latter had been on Schofield's ill-fated 1824 expedition.
608 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01*
609 Caillet-Bois 1982 p.202.
610 Pascoe 2020 p.92. Never entirely finished, a plan of the building is in the Public Records Office at *Adm 1.43*
611 Pascoe 2020 p.91
612 *Parish to Palmerston June 4, 1832* in *FO 354/9* at *3*
613 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01*

September 26th, at Montevideo, *Alert* arrives, leaking badly; *"... it is feared (she) will be condemned."* [614]

The ship is declared unseaworthy and put up for auction.[615] A number of the company's shareholders, disturbed by the problems encountered, arrange to sell their shares back to Vernet.

"Shuffling figures, signing documents to which he always faces with honesty, raising money and contracting new mortgages, Vernet, as a prey of a devilish fever, negotiates, always negotiates, (and) always finds friends who help him to prop up the company..." [616]

October 1st, at Puerto Soledad, British sealer *Uxbridge* (William Low) anchors.

October 22nd, at Berkeley Sound, a sealing brig *Port Captain*, out of New York, anchors. [617]

October 31st, at Montevideo, Vernet uses what little money the *Alert* fetches at auction, to pay off some of his debts; *"The insurance Vernet had arranged with Green and Hodgson on 3 January, 1826 seems not to have fully covered the damage, so she (Alert) represented a major loss. The expedition in the Alert had cost a total of 17,820 pesos and 5 reales, including 2,820 pesos and 5 reales for goods to keep the Indians happy."* [618]

November 20th, the United Provinces of the Rio de la Plata signs a *Treaty of Friendship, Alliance, Commerce and Navigation* with Chile.

"In 1826 the United Provinces of Argentina (sic), involved in hostilities against monarchical Brazil over the possession of the Banda Oriental (Uruguay), sought Chilean assistance in the form of a treaty of alliance. Article III of the proposed treaty obligated both parties "to guarantee the integrity of its territories and to act against any foreign power which may attempt to change by force the boundaries of said republics". Despite favorable press and public opinion in Chile for the republican cause of Argentina, neither increasing internal disorders nor the deplorable state of the treasury would have permitted the Chilean Government to become engaged in a foreign war. Furthermore, since there was no threat to her own territorial integrity, whereas Argentina was involved in a war with Brazil and at swords point with Bolivar over Alto Peru (Bolivia) and Paraguay (former parts of the Spanish Viceroyalty of La Plata), Chile would have been assuming commitments unequal to her political and economic means. The 1826 treaty with Argentina was not ratified by the Chilean Congress." [619]

December 12th, in London, Secretary Canning explains to Parliament, the reasons for his recognition of a few South American States; *"Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain, it should not be Spain "with the Indies." I called the New World into existence, to redress the balance of the Old."* [620]

In the Falklands, near Soledad Island, a British whaler, *John Palmer,* hunts for seals. [621]

December 16th, in the Magellan Strait, sealer *Prince Saxe Coburg* (Matthew Brisbane), founders. All the crew get safely to shore.

---

614 *Lloyds List* Tuesday December 12, 1826
615 *Alert* was sold off in October; 1826, resulting in another loss for Luis Vernet.
616 Caillet-Bois 1982 p.202
617 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01*
618 Pascoe 2022 vol. p.562 citing AGN VII 130, doc.2
619 *Chile and Hispanic-American Solidarity 1830-1865* Elliot A. Marcus in *The Americas* 1952 vol.9 No.2 pp.177-200
620 *HC Deb 12 December 1826 vol.16 cc350-98.* Canning's attitude towards the emancipation of the Spanish American colonies had far more to do with European power politics than it did with any high moral attitude towards the rights of man. French involvement in Spain threatened to affect the balance of power in Europe, to Britain's disadvantage. Hence Canning's desire to separate Spain from its old dominions.
621 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01*

December 24th, a draft-Constitution of the Argentine Republic is presented to representatives at the General Constituent Congress in Buenos Aires. [622]

> *"**Article 1.-** The Argentine Nation is forever free and independent from all foreign domination.*
>
> ***Article 2.-** It will never be the patrimony of a person or a family.*
>
> ***Article 3.-** Its religion is Catholic, Roman Apostolic, to which it will always provide the most effective and decided protection, and its inhabitants the greatest respect, regardless of their religious opinions...."*

"Argentina declared its independence from Spain in 1816, as part of the United Provinces of the Rio de la Plata (which also included Bolivia, Paraguay and Uruguay). It became officially known as Argentina in the Constitution of 1826." [623]

December 28th, an English merchantman, *Mary Ellen*, stops off in Berkeley Sound en-route to Lima.

1827 – January 4th, in the Falklands, *Uxbridge* (William Low) sails into Berkeley Sound. [624]

January 14th, at Puerto Soledad, the English sealer *Sprightly* (Norris) anchors near the old Spanish garrison.[625]

January 18th, French whaler, *Triton* (John Upham), anchors in Berkeley Sound. [626]

January 21st, English whaler *Partridge* stops off at Berkeley Sound. [627]

January 28th, a French surgeon, L. Gautier, on board *Triton*, writes to a friend in Nantes.

> *'Port Louis, ile Falkland'*
>
> *"Captain Low is leaving immediately for England. We are going to leave the island to go to our destination. We have found at this place all that we were promised by the Spaniards, we have eaten much local game and fish.*
>
> *Captain Upham has taken on two passengers here – an American belonging to the 'Sprei' and a Spaniard from the island of Chiloe.*
>
> *Captain Norris of the 'Sprei' is a little better of the scurvy. Please excuse my style of writing. They are hurrying me to have lunch and go ashore to advise Captain Norris, who is sailing in Captain Low's ship."* [628]

622 Promulgated November 22, 1826. Repealed 1828. A draft-Constitution had been proposed as early as 1813. *cf.* 1853 & 1859. See - https://www.cervantesvirtual.com/obra-visor/constitucion-de-24-de-diciembre-de-1826/html/2e4207d7-2703-417d-9733-f0033e6d28d4_2.html

623 *Argentina's Parliament and other political institutions* European Parliament Briefing Note September 2021

624 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01.*

625 *Ibid.*

626 *Ibid.*

627 *Ibid.*

628 Sealers, *Adeona*, *Mercury* and *Uxbridge* were all apparently part owned by brothers Andrew and William Low. This pre-stamp letter is addressed to Monsieur Goupilleau, *Courtier de Marine, demeurant sur la Fosse, a Nantes, France*. Posted in England, on July 20th. *Sprei* was *Sprightly*.

"An entire letter from Port Louis to Nantes dated 28 January 1827, sent by a French Surgeon L. Gautier on board a visiting vessel commanded by Captain John Upham. First charged ¼, later deleted and altered to 2/4 in black (8d ship letter + 8d Deal to London + 1s rate from London to France). The letter could not be sent on from the London GPO Foreign branch until the postage had been paid and was transferred to the Returned Letter Office where it was given reference number RLO 2699. Upon Payment the black 2/4 was replaced with a red 2/4 denoting payment. Finally the letter was charged 18 decimes for internal delivery in France. Shipped by 'Adeona' from Port Louis 28 January arriving Deal 20 July 1827." [629]

January 31st, from the Falklands, *Uxbridge* sails for England.

February 11th, at Puerto Soledad, the English sealing brig *Star*, and an American schooner, *Science*, anchor.[630]

March 3rd, in Magellan's Strait, after two and half months, Matthew Brisbane and the remainder of *Prince Saxe Coburg*'s crew, are rescued by a boat from HMS *Beagle*. [631]

March 9th, from Argentina, Lord Ponsonby writes to George Canning to inform him that the provinces have all rejected the central authority of Buenos Aires. Declaring against the proposed constitution and, in some cases, recalling their representatives from Congress. Ponsonby also describes the inhabitants of the Banda Oriental as; *"wild and savage, but not more so than here (Buenos Ayres), and, I believe everywhere else on this continent."*[632]

In Buenos Aires, President Rivadavia denounces the provincial governors as rebels and anarchists.

"By early 1827 Rivadavia's presidency, barely six months old, was on the brink of dissolution. Four provinces – Coórdoba, La Rioja and its client, Catamarca, and Santiago del Estero – had formed a military alliance to resist the Constitution." [633]

March 21st, in Berkeley Sound, an American sealer, *Penguin*, anchors.

March 23rd, from Hobart, Tasmania, William Langdon, in *Hugh Crawford*, sails for England via Cape Horn. [634]

April 4th, English sealers *Sprightly* and *Lively* lie at anchor Berkeley Sound. [635]

From Montevideo, Luis Vernet sails in *Idris* (James) for the Falkland Islands.

"... an expedition made from Montevideo in April of this year, in the English Brig "Idris", Captain James, and dispatched by Stanley Black & Co., of that place, with supplies of everything necessary to establish the Colonists in their respective occupations or trades ..." [636]

April 24th, also in Montevideo, Matthew Brisbane seeks a ship bound for England.

---

629 *To The Royal Philatelic Society, London of The Postal History of the Falkland Islands between the years 1827 and 1945* Michael J. Y. Roberts 2015. The presence of *Adeona* (Andrew Low) at Port Luis at this time was not recorded.

630 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01*

631 One crew member had died, while another seven had departed in one of the ship's boats bound for the Rio Negro. Worthy of note, in light of the events that followed, the Fitzroy and Brisbane became acquainted as a result of this rescue.

632 Kay-Shuttleworth 1910 p.332

633 *Argentina, 1516-1987: From Spanish Colonialism to Alfonsin* D. Rock 1987 p.103

634 Langdon traded between England and Tasmania, with the Falklands as a regular port of call after 1827. His first vessel, the *Lusitania* was followed by *Hugh Crawford*, then *Wanstead* and finally *Thomas Laurie*.

635 *Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826* in *CO 78/01.*

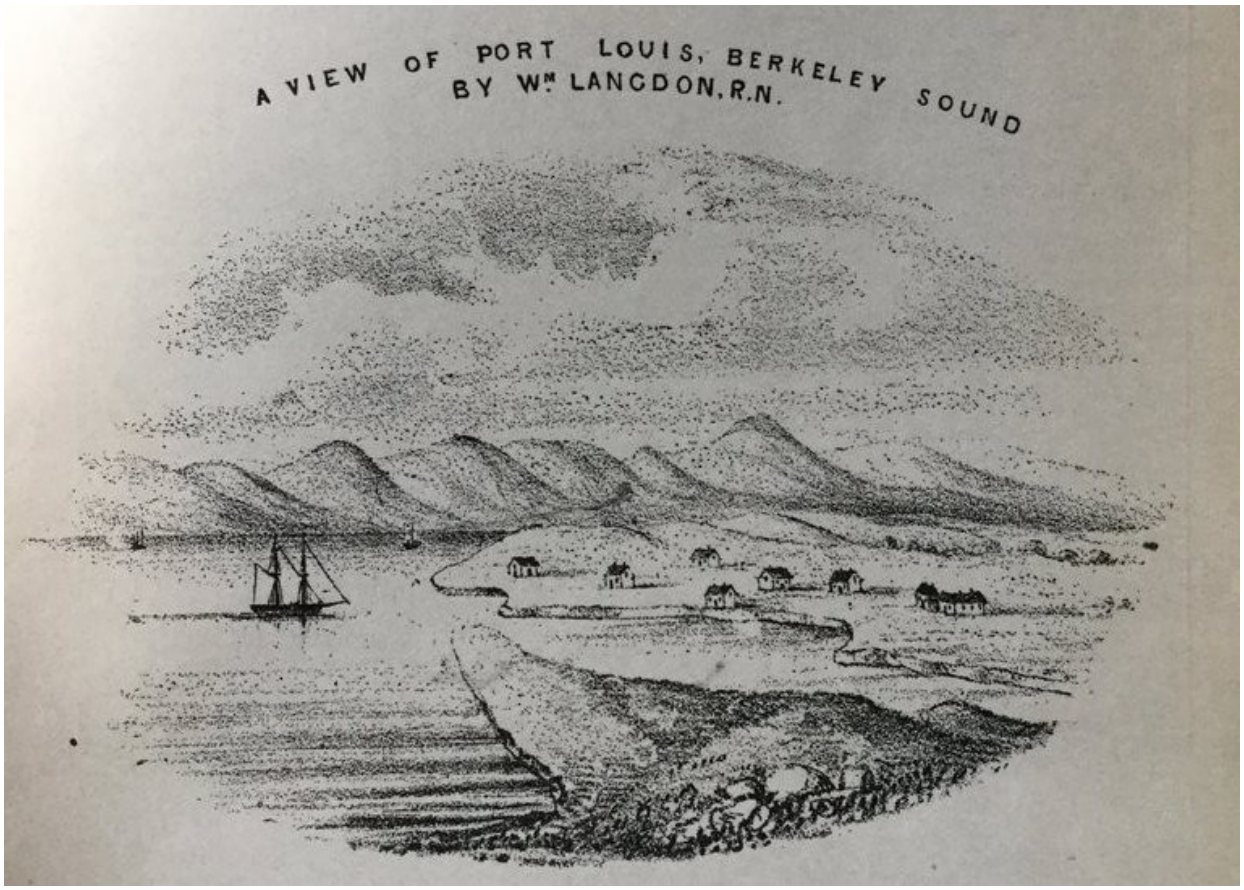
636 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

May 22nd, in the Falkland Islands, *Hugh Crawford* (Langdon) anchors in Berkeley Sound; *"... and having only one cask of water left on board, put into Berkeley Sound, and anchored about two miles up; ...."* [637]

"He was surprised to find Vernet's settlement, where Emilio Vernet was in charge." [638]

May 24th, Langdon receives a message from Emilio Vernet.

> "*... busy supplying myself with water, I received a message from a Mr. Vernet indicating that he was the superintendent of a British Merchants Company of Buenos Aires, who had received a concession on these Islands by the Government of said State, and that he was there with a party of twenty Americans and Spaniards dedicated to slaughtering the island's cattle and horses, salting the meat of the cattle and collecting the hides whose sale would benefit their Patrons; that the Company employed a brig to transport these items to the Rio de la Plata. At the same time he offered to supply me with salted beef ... he asked me to prevent the crew from killing the cattle and horses. I stocked up on very good quality fresh and salty meat ... and left the next day."* [639]



May 25th, the *Hugh Crawford* sails for England.

637 *The Museum of Foreign Literature, Science and Art* 1833 vol.22.
638 Pascoe 2020 p.92
639 Langdon quoted in Caillet-Bois 1982 (6th ed.) pp.306-307 citing *Report of Lieutenant Langdon on the Falklands Islands* (June 16, 1829 in *PRO CO 78/02*).

May 31st, after a frustrating journey via the San Jose peninsula where he found no horses awaiting him, Luis Vernet finally returns to Puerto Soledad. [640]

> *"... (matters)... were somewhat improved, but still without product... The horses were beginning to be useful; but they were too few."* [641]

An English merchant brig *Doris*, arrives in Berkeley Sound while American sealer, *Eliza Ann,* hunts.

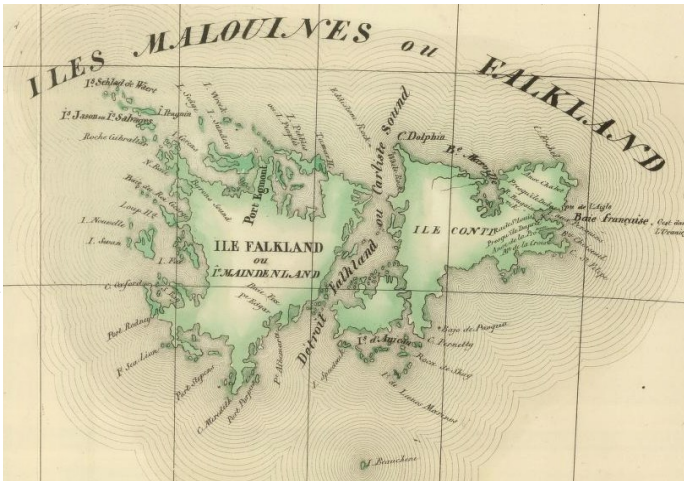
June 19th, Vernet leaves for Montevideo in *Idris*. Sailing with him are Manuel Coronel, who wishes to return home, and another gaucho whose services are being dispensed with. [642]

July 7th, on the mainland, all central authority in the United Provinces ceases, once again.

"*Rivadavia quitted his post in July 1827, and the national congress was dissolved*." [643]

"... as rumors spread of a cattleman's revolt in Buenos Aires and both the mercantile interests and the British abandoned the administration, Rivadavia resigned. Another bitter spate of civil war supervened." [644]

"On the fall of Rivadavia, the provincial governors once more took charge as occurred eight years previously on the political demise of Pueyrredón." [645]



In Brussels, Philippe Vandernaelen publishes a map of the archipelago – *Iles Malouines ou Falkland. Amer. Merid. no. 41* (right).[646]

July 28th, in Berkeley Sound, American sealer *Sarah Atkins*, anchors. [647]

August 18th, in Argentina, Manuel Dorrego, is elected Governor of Buenos Aires.

> *"By the Dover Packet, which arrived from the River Plate, we learn that another change has taken place in the Government. The Congress having been dissolved, and Dorrego being named the President of the Province at Buenos Ayres, so that there is no longer any head of the Republic; or rather, there is no longer any Republic."* [648]

"To placate the caudillos, Manuel Dorrego, ... nullified the Constitution, re-acknowledged the autonomy of the provinces, and himself reassumed the title of governor of Buenos Aires. The former United Provinces were now

---

640 The gauchos herding the horses at San Jose had given up the wait after more than a year; their endeavours frustrated by local tribes stealing much of the stock. Others, the gauchos had traded for supplies after those provided by Vernet had run out. It is likely that at least a few of these gauchos traveled to Soledad with Vernet. Pure conjecture but there persists an abiding belief among many Argentines that one Antonio Rivero, sailed to Puerto Soledad in 1827. There is no clear evidence for it, and no serious Argentine historian claims it. *cf.* 1833

641 Quoted in Caillet-Bois 1982 p.203

642 Luis Vernet would not return until August, 1828. Manuel Coronel, after being some 12 months on the island, chose to leave with Vernet. However, Coronel would return in 1831. *cf.* July, 1831 & November, 1841

643 *The Monthly Chronicle* November & December, 1841

644 Rock 1986 p.103

645 Rock 2018 p.77

646 See https://falklandstimeline.files.wordpress.com/2019/01/1827-phillippe-vandernaelen-bruxelles.png

647 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01.*

648 *Roscommon & Leitrim Gazette* Saturday 17 November 1827

the Confederation of the River Plate, or the Argentine Confederation. To end the Brazillian blockade, Dorrego declared support for peace on the east bank and eagerly accepted an offer of mediation that Rivadavia had ignored from the British envoy, Lord Ponsonby." [649]

"The return of self-rule in Buenos Aires led to the election of Manuel Dorrego, one of the ex-president's leading opponents, as governor." [650]

September 4th, at Puerto Soledad, an English merchant brig *Vulture*, arrives.

From England, *Uxbridge* (William Low), *Adeona* (Andrew Low) and *Mercury*, sail for the South Atlantic.

October 1st, at the Falklands, William Low anchors *Uxbridge* in Berkeley Sound, joining the American sealer *Sarah Atkins*. [651] Also US whaler *Decator*.

October 14th, *Salmon*, a merchantman out of Boston, takes on water at Puerto Soledad.

October 25th, *Mercury* arrives in Berkeley Sound.

October 30th, *Adeona* (Andrew Low) anchors in Berkeley Sound.

October 31st, in Buenos Aires, Luis Vernet and Jorge Pacheco settle upon a new plan to convert their struggling commercial enterprise into a potentially profitable political venture.

> *"Initially motivated by the great advantages that it would bring Republic of establishments in the South, and having had good success some tests that I did in agriculture, I decided to exhaust all my resources and use all my relationships, to undertake a formal colonization to ensure those advantages, and build the foundations of a national fishing, which has been at all times, in all countries, the origin and cradle of merchant and military marinas."* [652]

> *"... having realised the natural advantages that it might provide the country, I (Vernet) conceived the project of establishing a Colony directly subordinate to Buenos Aires which at the same time would give the state the benefit of putting the sovereignty over the coasts and islands of the south beyond doubt..."*[653]

Pacheco writes to the Governor of Buenos Aires, seeking clarification of the 1823 grant of land made to him.

> *"... the former Grants count undetermined and vague and my possession would also have been doubtful, as well as uncertain, my rights to lands without, limits or determined points... I am led to hope from the superior integrity of your Excellency that you will fix the grants to the lands that I have pointed out in this petition, news being at same time that the decree to be issued may be held a sufficient title for possession... I pray your Excellency may be pleased to grant as I have solicited."* [654]

"At the end of this year (1827) the preparatory steps for the establishment of the Colony concluded being made, having then the means of catching and domesticating the wild Cattle and to provide for the subsistence and welfare of the colonists with its successful increases." [655]

---

649 Rock 1986 p.103
650 Rock 2018 p.77
651 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01*
652 Vernet quoted in Areco 1885 pp.50-51
653 Vernet quoted in *Getting it Right: the real History of the Falkland/Malvinas* G. Pascoe & P. Pepper 2008 p.13; citing *AGN, Sala VII, Legajo 129, doc.59*
654 Quoted in *Parish to Aberdeen April 25, 1829* in *FO 78/1/16-18*
655 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

"Pacheco, moved by Vernet, puts a new presentation to the Government, requesting that it complete the decree of December 18, 1823, since the lands (granted) had no precise limits. He asked, therefore, (for) the corner that exists in the S.E. part of the island on the Bay of Choiseul and the land located on the banks of the San Salvador Bay and on the east coast, from Bomport in the direction of the Rincon." [656]

November 11th, from the Falkland Islands, *Adeona* sails.

November 24th, now back in Britain, Matthew Brisbane is appointed captain of the sealing schooner *Hope*.

1828 – January 1st, at Puerto Soledad, Emilio Vernet starts a diary/logbook. [657]

January 5th, in Buenos Aires, with no response to Pacheco's request having arrived, Luis Vernet prepares his own petition.

> *"I Don Luis Vernet, in the most respectful and most proper manner present myself before Your Excellency to state, that, being desirous of the prosperity and aggrandizement of this country I have thought it right to undertake the establishment of a colony in the Island of Soledad, one of the group called Malvinas. But as for this purpose I stand in need of the protection of the Government and of all that aid that which is to be extended not only to the Head of this undertaking but also to the new Colonists, I have thought it would be fitting that, for the furtherance of this important object, Your Excellency should be pleased to grant to me the rights of possession and property, and to protect me in the same, with regard to all such lands in those Isles as have not been ceded to Don George Pacheco, as also in the islands called* ***Statenland*** *on the coast of Tierra del Fuego.* [658]
>
> *I shall engage to establish the Colony within three years from the grant of permission, and to be under the immediate authority of the Government of Buenos Ayres, together with the Colonists, who will be treated as citizens of the Republic and will enjoy the corresponding rights. It will also be an express condition that in case the Colony should require to be extended to other Islands, in consequence of the encouragement given to the settlers, I shall be bound to refer to the Government for its determination …*
>
> *After the establishment of the colony, the settlers to be likewise free from all duties whatever during the first thirty years of the settlement and to enjoy the exclusive right of fishing on the coasts of the Tierra del Fuego, of the Malvine Islands and of the other Isles of the Republic, … It ought to be considered that Government, in permitting the establishment of a colony in the Malvine Islands on the above conditions, only* ***resumes or recovers*** *a Territory which in a manner was* ***abandoned****, but the acquisition of which by the Spaniards cannot extinguish the right of this Government to take possession of them. There is no other method of preventing other nations from executing their plans than the foundation of a Colony. The Governments of all civilized nations have such a right.*
>
> *The Malvine Islands being in a manner* ***deserted*** *must belong to the first occupant; they are situated entirely beyond the boundary of the Province. I have in the present application no other object that that Y.E. should* ***acquire rights*** *and should exercise your jurisdiction over those islands. I have pointed out the only manner of acquiring those rights. The colonization of those islands would be attended with incalculable benefits, such as increase of population, extension of territory, acquisition of excellent ports, introduction of a new branch of commerce by taking fish, and by means of that occupation the creation of seamen, all of them natives who in process of time might render the Buenos Ayres marine formidable. I accordingly solicit Y.E. to grant me as above."* [659]

656 Caillet-Bois (6th ed.) 1982 p.203
657 *AGN VII 141* For a full description of the diary and its condition, see Pascoe 2022 vol.1 p.566 fn.1
658 Islas de Estados off the coast of Tierra del Fuego, had trees which Vernet would need for buildings.
659 *FO 78/1/29 & 30 also FO 6/499.* My emphasis. Resuming or acquiring? Vernet appears to have been hedging his bets.

This petition is submitted to the Government of Buenos Aires that same day.

> *"I conceived the project of establishing a Colony under direct obedience to Buenos Aires which … would bring to the State the benefit of* ***putting beyond question*** *the right of sovereignty over the coasts and Islands of the South..."* [660]

"... your Memorialist perceiving that, by regular Colonization, the Islands might be made very valuable;.. (I) proposed to the Government of Buenos Aires, (then in ***nominal*** *possession of the Islands), to establish a Colony thereon..."* [661]

"I could ... undertake with success the forming of a Colony of European Settlers, provided my expenses would be guaranteed by the property of the Lands of the East Falkland Island. I therefore solicited from the Buenos Ayres Government (who was still to the best of my knowledge and belief the sole proprietor of the Falkland Islands) the remaining lands of that Island on condition of placing a Colony thereon at my expense, within three years." [662]

"I represented the nature of the island and its fitness for furnishing thousands of settlers with a means of procuring an easy livelihood, provided the property of some land was granted to them and provided the Government would make some advances of money to the settlers, to maintain them until their industry could be brought into action;.." [663]

"Vernet's petition is contradictory because the Falklands/Malvinas could not be at the same time terra nullius and be able to be claimed by Argentina by right of Spanish inheritance, ..." [664]

"It was a breathtaking request – nearly all the areas mentioned were far beyond the real limits of Argentina at the time." [665]

General Juan Ramón Balcarce, Minister of War, immediately signs a decree on behalf of the government. [666]

> *"The Government, considering the great advantages which will accrue to the Country by peopling the Islands, of which the property is solicited, which, besides the increase that will necessarily be afforded to the commerce, with foreign Nations, new channels of national prosperity will be opened by encouraging the important branch of fishing, in as much as the inhabitants of the Republic will gain much by the sums flowing in from foreign countries; that in the present war with the Emperor of the Brazils, and in any other in which the Republic hereafter may be engaged, nothing will be more useful than to have in those islands a point of support for maritime operations, and to be able to open to the Privateers secure parts into which to send their prizes; that for the settlement and extension of the territory on the Southern Coasts and for the improvement of their ports nothing can be more beneficial than the colonization of those Islands; and, finally, that the immense expenses necessary to*

660 Rough draft of a historical account in Vernet's handwriting in *AGN VII, 129, doc.59 2 fols.* My emphasis. See Pascoe 2022 vol.1 p.567 fn.4

661 *Vernet's Memorandum Presented 7, May, 1852* in *CO 78/43.* My emphasis.

662 *Vernet to Earl of Derby April 26, 1858* in *CO 78/43*

663 *Memoria* (draft & undated) by Luis Vernet quoted in Berhardson 1989 p.173

664 Peña & Peña 2018

665 Pascoe 2022 vol.1 p.567

666 A decree of the Province of Buenos Aires; the last National Congress having dissolved in July, 1827. After two months with no reply to Pacheco's submission, Vernet composed a report, submitted it and received approval all in the space of one working day. And approval by a Minister, yet again. From a hunting licence in 1823 to a grant of property rights five years later; based upon a very questionable 1821 fishing regulation (see 1882). Unpublished, this decree cannot be seen as an act taken with any great confidence as this all appears to have been done with some haste, and without any obvious consultation. *cf.* 1821, 1879, 1882 & 1887

be incurred into carrying into execution an enterprise of this nature, cannot be compensated otherwise than by the property of lands which must be granted, if we would not lose the opportunity of greatly benefiting the nation and the right and jurisdiction over them – pursuant to the provisions of the ***law enacted the 22nd Oct, 1821*** *does from this moment grant to Don Luis Vernet, inhabitant, and merchant of this City, all the territory which in the* ***Island of Soledad*** *shall happen to be uncultivated,*[667] *with the exception of those granted to Don Jorge Pacheco by a Decree dated 18 December 1823,*[668] *and which is ratified by the Decree of this day's date, t****he Government reserving to itself an extent of ten square leagues*** *in the Bay of San Carlos, and in the Isle of Statenland: to the effect, and on the condition that within the term of three years to be computed from this date a colony shall be established, and that, after the expiration of them, information shall be given to the Government, for it to provide what it may deem expedient for the internal and external administration. And the Government desiring to contribute as much as possible to the establishment and prosperity of the Colony, Decrees likewise,* [669]

1 That the colonists shall be exempt from paying any kind of contribution, excepting what may be necessary for the support of the authority or authorities to be established, from all duties on shore and from all maritime imposts of exportation and of the importation of articles needed for the support of the Colony, for the term of Twenty years to be reckoned from the date of the expiration of the three conceded for the establishment of the Colony;

2 That for the like term of Twenty years, and with exemption from the payment of duties, the Colony shall enjoy the fishery near the two islands whose property is granted, in all the Malvine Islands, and on the coasts of the Southern Continent of the Rio Negro de Patagones;

3 That in case the population should extend to the other islands within the three years conceded for the establishment of those granted, the Director of the Colony shall be obliged to state it to the Government to enable it to provide what may be necessary.

And to answer the proper ends (the) Petitioner shall receive the testimonies solicited by him from the Supreme Secretary's Office of the Government." [670]

"The Government, ... issued a Decree on the 5th of January, 1828, whereby, in conformity with the ***spirit*** *of the Law enacted by the Honorable House of representatives, on the 22nd October, 1821, granted me the right of property to the lands on the Island, ..."* [671]

"It is said that officers in the Buenos Ayrean army, relations of Mrs. Vernet, had claims upon their Government, which they agreed should be liquidated by receiving certain sums of money from Mr. Vernet; in consideration of which the Government made over to him their pretended right of property in the Falklands and Staten Land." [672]

---

667 East Falkland islands, not West falkland.

668 See December, 1823 above.

669 The 1821 law concerned the regulation of fishing on the coasts of Patagonia; with no mention being made of the Falkland Islands. This omission would become an issue in 1879 and 1882. *cf.* 1821, 1823, 1879 & 1882

670 *FO 78/1/31-34.* Different translations exists, all with slight variations. My emphasis. The reservation of land was for the creation of a *presidio*, a frontier garrison despite the last thing Vernet wishing for was troops and prisoners. Apparently he protested to the Buenos Aires government that a *presidio* would deter settlers (Pascoe 2022 vol.1 p.568), without effect. Worthy of note that this *decree* was not published in the official Gazette, or any of the journals. Unannounced. Secret.

671 Vernet 1832. My emphasis. Spirit is a word used when some text does not actually state that which the observer had hoped it would. *cf.* 1882

672 Fitzroy 1839

"... the Executive Power of the province of Buenos Aires... issued a decree giving to senor Don Luis Vernet as his property the Isla de la Soledad and the Isla de la Estados ... In the judgment of the Commission that decree gives no right whatever... no legal force since it had not been authorised by the General Congress of the Nation, which was the power that had to regulate grants of national territories." [673]

"It does not give him any rights, because the law of October 22, 1821, which was the provincial law of the Junta de Buenos Aires, did not authorize the assignment of that territory." [674]

"Though his colony did not maintain itself continuously, in January, 1828, Vernet secured wide privileges to the island of Soledad, or East Falkland." [675]

"There was no protest from from the British Government, despite this being a ***public act*** *exercising sovereignty and with the knowledge of the active British representative in Buenos Aires..."* [676]

"Despite the importance of a legal document which not only granted lands reputedly belonging to the Nation but also awarded fishing warrants and tax exemptions, the ***decree was not published*** *in the Gazette of Buenos Aires. To date no clue has been found as to the reason for such omission, which gave Great Britain grounds to justify not protesting Argentina's act of possession in the Islands."* [677]

"Unlike the earlier concession of 1823, which had granted only the "usufruct" (the right to exploit the natural resources), this decree actually "ceded" the freehold of the island itself to Vernet, which led him to describe himself later as "Owner of the East Falkland Island" or "sole proprietor with small exceptions of the whole East Falkland Island with all that it contained". ... but of course no other country recognised any rights of Buenos Aires to any part of the islands; to all other countries his concessions were null and void. ... Vernet's 1828 concession was later ruled null and void in Argentina too. In 1882 the Argentine government declared in the Argentine Congress that the decree of 5 January 1828 was invalid since it had been issued only by the provincial government of Buenos Aires, not by the whole Congress of the Argentine Federation, which alone had the power to cede national territories." [678]

From the Port of London, Matthew Brisbane, in the British sealer *Hope*, sails for the southern seas.

At Puerto Soledad, French whaler *Ocean*, anchors.

January 11th, in Buenos Aires and in possession of a copy of the decree drawn up by the Government's senior clerk, Luis Vernet goes to a Buenos Airean Notary Public, Josef Ramon de Basavilbaso; to have replicas made.

On the same day, Vernet acquires the services of a ship anchored off Montevideo; an American brig, *Osprey*; *"... because the waters immediate to Buenos Aires continued to be patrolled by Brazillian warships."* [679]

January 15th, in the Falklands, English merchantman *Rolla*, arrives in Berkeley Sound en-route to London.

---

673 Argentina's Senate in *Diario de Sessiones* July 29 1882. Text here - https://falklandstimeline.files.wordpress.com/2018/01/senadoargentina-sesion18820729.pdf

674 Senator Francisco J. Ortiz: Senate debate into compensation for the heirs of Luis Vernet on August 11, 1882.

675 *Argentina and the United States, 1810 – 1960* Harold F. Peterson 1964 citing *Registro oficial de la Republica Argentina, I, 238.*

676 Kohen & Rodriguez 2016 p.153. My emphasis. This is simply not true. No publication in either the official gazette or any of the journals. Moreover, Vernet did not seek to advertise the decree or the rights granted him; something he would quickly do in 1829 following the public decree issued at that time. This 1828 decree was not for public, nor indeed, international consumption. A secret.

677 Peña & Peña 2018. My emphasis.

678 Pascoe 2020 p.95. *cf.* 1882

679 Caillet-Boise 1982 p.204

January 30th, in Buenos Aires, Luis Vernet goes to the British Consulate with a copy of the land grant of January 5th, as made out by the Notary Public, Josef Basavilbaso. Vernet asks for the signature to be validated. Onto the bottom of this copy, Consul Charles Griffiths writes out a statement, appends his signature beneath that, then affixes the paper stamp of the British Consulate. [680]

> *"These are to certify that the aforegoing is the true and proper **hand writing** of Don Josef Ramon de Basavilbaso, and that he is a Notary Publick practising as such in this City. In Testimony whereof I have hereunto set my hand and append the Seal of this Consulate to serve as occasion may require."*[681]

*"... in order that these grants may not be disputed by foreign fishing vessels, which frequented those Islands, your Memorialist got them **certified** by the British Consulate in Buenos Ayres;..."* [682]

*"And moreover, both these grants were **legalized** by the British Consulate at Buenos Aires at the time,.."* [683]

"All Vernet did was to have the Decree of January 5th, 1828 certified at the British Consulate in Buenos Aires. ... Why... ? Because his intention was, as he did, to send all the documentation to Europe in order to attract European settlers to the Falklands ... It was a way to prove that he was (running) the establishment with state authorization..." [684]

"... on 30 January 1828 Vernet paid another visit to the British consulate in Buenos Aires to have his concession document authenticated, as he had done in 1826. Such authentications were mere routine bureaucratic acts, so it was again done by the vice-consul, who was now Charles Griffiths. It seems likely that he did not actually read the document (which was not necessary for authenticating it), and like Vice-Consul Richard Poussett in 1826, Griffiths failed to inform London about it." [685]

February 17th, in the Falkland Islands, Capt. Kenney, of the sealer *Sarah Atkins*, breaks up a gunfight between two gauchos, Dionisio Ortiz and Jacinto Correa.

February 19th, Emilio Vernet presents Capt. Kenney with half a cow. [686]

April 23rd, off the island of South Georgia, Matthew Brisbane's ship, *Hope*, is wrecked. Captain and crew manage to get ashore. [687]

The provincial Government of Buenos Aires defaults on its 1824 loan from London's Barings Bank. [688]

---

680 Unlike that of 1826, this document has survived. All that was certified was the handwriting of a well-known Buenos Airean Notary Public. Nothing else. It seems likely that Griffiths chose his words carefully, and if Vernet was seeking a validation of Buenos Airean sovereignty, he didn't get it. There is no evidence that this certification was presented to anyone. It was certainly not advertised in Europe in an attempt to attract European settlers as suggested above. The lack of a consular record is intriguing. There was undoubtedly a charge, but nothing in the accounts.

681 My emphasis.

682 *Vernet's Memorandum Presented 7, May, 1852* in *CO 78/43*. My emphasis.

683 Vernet 1858. My emphasis. To *legalise* something is simply to – "*make (something that was previously illegal) permissible by law.*" Clearly not what had occurred. I have included two versions of Vernet's reasoning as there were some inconsistencies in his descriptions between 1852 and 1858; notably the change from '*certified*' to '*legalized*.' *cf.* 1952 to 1858

684 Kohen & Rodriguez 2016 p.166. Vernet only used the term '*legalized*' in a few of his letters in 1858, all previous correspondence using the word '*certified*.' *cf.* 1852 & 1858

685 Pascoe 2020 p.96

686 Haller 2023 citing Gutiérrez 2022

687 *British Packet and Argentine News* May 2, 1829. *cf.* May, 1829

688 Surprising no-one, except, possibly, Barings Bank. *cf.* 1824, 1838, 1842 & 1853

April 29th, from Montevideo, *Osprey* (Collins) sails for Puerto Soledad with a dozen colonists, and a cargo of wood. [689]

May 24th, in the Falklands, Emilio Vernet organises a party to celebrate the 1810 revolt in the Spanish Viceroyalty of the Rio de la Plata. [690]

> *"We made preparations for celebrating the day tomorrow, as the day for freedom for Buenos Aires, sending some of the people to butcher meat in the skin. We put up two poles for flags and a target to shoot at with rifles."* [691]

May 25th, at Puerto Soledad, celebrations commence at dawn.

> *"... At sunrise three cannon shots were fired and the **flags of both Great Britain and Buenos Aires** were hoisted; 10 at noon, three more cannon shots were fired, and three more in the evening. After lunching meat roasted with hide on and cakes especially prepared for the occasion, we practised target shooting until dusk. People organized a ball at the cooper's ranch, which lasted all night."* [692]

"... the population behaved consonantly with Argentina's sovereignty over the territory in which they were located. One example is that of the observance of the national holidays of May 25th and July 9th." [693]

"No reason has been given for the hoisting of the British colours along with the Argentine flag." [694]

"The fact that the settlement hoisted a British flag has embarrassed more than one Argentine writer. ... there was not a single British person there." [695]

June 14th, at the South Shetland Islands, Andrew Low (*Adeona*) dies; a victim of scurvy.

June 15th, at Patagones, Vernet acquires 31 negro servants from a Puerto Rican – Fernando Maximo Alfaro. Captured by privateers. Six of them are children, one only five years old. All purchased for 160 pesos each. The five year-old signs up for 13 years service. [696]

"Vernet was also accused of having black slaves, but contracts with a Labor broker indicate that these were freed slaves who chose indenture. One such contract contains the following clause: "The freed slave Julia, in use of her free spontaneous liberty, offers herself to serve don Louis Vernet for the term of ten years given that the terms of the following provisions are fulfilled...". These provisions bound Vernet to feed, clothe, and provide her medical care, and to "treat her according to servants of her class". Vernet also pledged to educate his servants..." [697]

---

689 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

690 Not much of a revolution, as the rebels declared loyalty for King Ferdinand. *cf.* Vol. 1. 1810

691 Emilio Vernet's diary quoted in Pascoe 2022 vol.1 p.571. A demonstration of how Emilio Vernet saw the political situation in the archipelago? Or perhaps Emilio Vernet was *'hedging his bets'*, by raising both flags. At this time, he seemingly remained unaware of the January 5th decree, there being no record of a ship arriving which could possibly have carried the news.

692 Quotation from Emilio Vernet's diary in Marcelo Vernet 2011. My emphasis. A ball? There were no women.

693 Kohen & Rodríguez 2017 p.110

694 Peña & Peña 2018

695 Pascoe 2020 pp.98-99

696 *Tras su manto de neblinas… Presencia de afroargentinos del tronco colonial en las Islas Malvinas en el siglo XIX* Norberto Pablo Cirio 2019 p.7. Slavery had been abolished in the area of the Viceroyalty of the Rio de la Plata by a local decrees in 1812. This was slavery by contract. Not paid, could not own land and could not leave. And yet they 'chose' indenture. It seems unlikely that these "*freed slaves*" could read. Quite how a girl aged 5 could be contracted, is hard to understand. Slaves still.

697 Bernhardson 1989 p.193 citing *Vernet y Fernando Alfaro, contract, Julio 15, 1828* in *AGN VII 2-3-6.*

"In 1587 the first slaves arrived in Buenos Aries from Brazil. From 1580 to 1640, the main commercial activity for Buenos Aires was the slave trade. More than 70 percent of the value of all imports arriving in Buenos Aires were enslaved Africans. Slaves came primarily from Brazil via the Portuguese slave trade from Angola and other western states in Africa. Once arriving in Buenos Aires, they could be sent as far as Lima, Peru; slaves were provided to Mendoza, Tucuman, and Salta Jujuy as well as to Chile, Paraguay, and what is today Bolivia and southern Peru. Córdoba functioned primarily as a redistribution center for this slave transfer until 1610. … By the end of the 18th century, the Río de la Plata had become a strong economic power because of the location of Buenos Aires's port and changes in trade routes because of the Bourbon Reforms. The slave trade had increased significantly by the end of the 18th century, reflecting the economic status of Buenos Aires in the Atlantic economy. In 1810 Buenos Aires called for independence and began the wars of independence that would eventually spread across all Latin America. The participation of slaves was crucial to victory. Because of their efforts on the battlefield, gradual abolition was introduced in 1813 with the Free Womb Act, which "freed" all babies born to slave mothers. The first Constitution of Argentina abolished slavery in 1853. This, however, did not apply to Buenos Aires, as it was not a part of the Confederation. Once Buenos Aires joined the Confederation in 1861, slavery was completely abolished in Argentina." [698]

"… there were 18 men and 12 women from the purchase tickets … on July 15 of that year. … The tickets have a typical form, so only the data of the individuals vary: name, age, time in which will serve Vernet, price, black ship (slaver) from which (the individual) was taken and name of the Corsair ship that captured it." [699]

"… he purchased a human cargo: 19 black men and 12 black women. Six of them were children, bought at Rio Negro for 160 pesos each: a girl aged five, the others about 14, "indentured" for 10 or 13 years. Five of them had been taken from the slaving brig Buen Jesus, captured by the privateer Presidente in July 1828, and one was from the slaver Goldfinch, but the origin of the 25 others is obscure. Some Argentine ships assisted Britain's suppression of the slave trade, but the fact that some "liberated" slaves were then sold in Argentina, as shown by Vernet's purchase, did not exactly contribute to ending it." [700]

June 30th, from the Patagonian coast, *Adeona, Mercury* (Watson) *and Uxbridge* (William Low) sail for the Falkland Islands en-route to Britain. They carry letters from the surveying vessels, *Adventure* and *Beagle*.

> *"The day after the Indians left us, a boat came from the Adeona, to acquaint us that, in a day or two, she and her companions, the Uxbridge and Mercury, intended to leave the Strait for the Falkland Islands; upon which I prepared letters for England and a report of my proceedings for the Secretary of the Admiralty. The ships passed by on the 30th, and took my letters."* [701]

In **July**, at Patagones, Vernet purchases a polacca, *Luisa*, to take the slaves out to Soledad.[702] *Osprey* having run aground, he charters an American brig out of Salem, *Combine* (Garney), to transport 65 horses to the Falkland Islands.

July 9th, at Puerto Soledad, Emilio Vernet celebrates the 1816 declaration of independence.

---

698 *Slavery in Argentina* Erika Edwards 2017 in *Oxford Bibliographies*

699 Cirio 2019 p.5

700 Pascoe 2020 p.99. Carmelita and Gregoria, destined to see their lives out in the Falklands, were among this group

701 *Narrative of the Surveying Voyages of His Majesty's Ship Adventure and Beagle between the Years 1826 and 1836… Vol. I Proceeding of the First Expedition, 1826 – 1830, under the command of Captain P. Parker King* P. Parker King 1839 p.149

702 During the period 1828 to 1832, 4 of the slaves died and 2 absconded. 4 remain unaccounted for.

"Good weather with ice and some rain showers. Southwest wind and snow. We did celebrate this [day of the oath of independence of Buenos Aires] with a black dance until midnight. It was freezing hard at night." [703]

July 31st, from Buenos Aires, Lord Ponsonby transfers to Brazil, leaving Woodbine Parish as *charge d'affaires*.

"Lord Ponsonby having brought about the opening of a negotiation for peace sailed for Rio de Janeiro and I became again solely charged with H.M.'s affairs in the United Provinces." [704]

In London, Stephen Henry Fox is appointed to replace Ponsonby.

August 7th, from the Rio Negro, *Luisa*, renamed *Tiburtina* (Morris), sails for Soledad Island with slaves and horses. [705]

"... having trained and seasoned a considerable number of Horses, and caught and domesticated therewith, much cattle..." [706]

August 14th, in Berkeley Sound, *Mercury* (Watson) anchors. [707] *Adeona* anchors in Choiseul Sound.

August 27th, in Rio de Janeiro, a peace agreement is signed by Brazil and Argentina. Under the terms of the *Treaty of Montevideo*, both agree to recognise the independence of the *Republica Oriental del Uruguay*. [708]

"In spite of the fact that union with Buenos Aires would have caused automatic application at Montevideo of the favourable commercial treaty of 1825, Lord Ponsonby, British mediator, preferred the erection of an independent state of Uruguay, for separation would mean that Montevideo would be available for commerce when civil wars closed the rival port." [709]

"Uruguay joined Paraguay as the third independent state to arise from the ashes of the former Viceroyalty of the River Plate." [710]

"(Ponsonby) opposed allowing control over Montevideo by either of its two large neighbors, Brazil or the United Provinces. He contended that whoever dominated Montevideo would control the entire region north of Montevideo to the distant Republic of Paraguay... If either of its neighbors gained permanent possession over Montevideo, it would "injure, if not control...the trade of England to China, India and all the eastern trade of the Pacific." Such dangers would increase if the dominant local power formed an alliance with the United States or France." [711]

---

703 *AGN Fondo Luis Vernet VII-141*

704 *Parish to Palmerston June 4, 1832* in *FO 354/9*

705 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

706 *Vernet to Labouchere December 1856* in *CO 78/43*

707 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01.* Remained to August 17

708 The agreement brokered by Lord Ponsonby was not, however, well received by the Argentine forces fighting in the Banda Oriental. They had thought themselves on the verge of victory, and the effect in Buenos Aires was a collapse in government support. Britain, which had exerted pressure on both sides to come to a compromise, was the obvious scapegoat. In settling one conflict, Ponsonby inadvertently started another. A dispute that has lasted into the 21st century. Argentina v. Britain.

709 Williams 1935

710 Rock 1987 p.103

711 Rock 2018 p.84 citing *Ponsonby to Dudley Jan 18, 1828* in *GRE/E/607*

August 29th, at Puerto Soledad, after 14 months away from the Island, Luis Vernet arrives back on *Combine*. Of the 65 horses loaded in Patagonia, only 37 have survived the journey.

"In the two years and two months from his arrival in June 1826, Louis Vernet spent a total of less than four months in the Falklands: three months from June to September 1826, and then less than three weeks in June 1827 before leaving again to spend over a year away. He eventually returned in August 1828 and spent the following three years and two months in the islands." [712]

Vernet immediately sets about meeting the terms of his grants from Buenos Aires.

"In the beginning, Vernet surveyed Pacheco's land, which comprised three distinct estancias: one at Choiseul Sound, another on the west side of Salvador Bay, and the other between present-day Fitzroy and Port William. With the data acquired, Vernet mapped both his and Pacheco's property, as well as the Government reserve at San Carlos." [713]

Vernet also starts to warn sealers and whalers that they should no longer hunt in those waters.

"... fishing vessels trafficked between the islands began to avoid contact with the colony: they rarely contributed to the port. ... When one of them arrived, he received the best deal. I have not talked to only one of them who was not instructed previous dominion of the Spaniards, of the prohibition of frequenting those seas imposed by these and the act of sovereign ranged by the Republic in 1820. Admonished for that the fishing continued there, everyone promised but none complied, and the colony without any repressive force, looked sterilized and ridiculous..." [714]

September 2nd, in Berkeley Sound, *Tiburtina* (Norris) arrives with the indentured slaves. [715]

"Upon rising, they received orders for the day's tasks; during the summer, these orders were given the previous evening, to take advantage of longer days, with sunrise as early as 4am. Indoor work was reserved for inclement weather. Eleven of the blacks, along with two English sailors, were assigned to a man contracted for catching and salting mullet. When fishing was impossible, these individuals were employed in construction and roofing. ... Another task assigned the black servants was brickmaking. They were also to build a hen run and help tame a dairy herd." [716]

September 15th, *Combine* sails with 700 hides, 300 seal skins and 200 dozen rabbit skins. Also three gauchos.

"... which realised enough profit to pay for her charter and some extras..." [717]

October 4th, in Buenos Aires, Governor Manual Dorrego recognises the sovereignty of the eastern republic of Uruguay. From the Banda Oriental, Argentina's armies return home. Those troops under General Juan Lavalle march to Buenos Aires, while those commanded by Jose Maria Paz head to Cordoba.

"Both immediately made a bid for power ... in Buenos Aires the hapless Dorrego was seized..." [718]

712 Pascoe 2022 vol.1 p.566
713 Bernhardson 1989 p.174
714 Vernet quoted in Areco 1885 p.52. Between 1774 and 1811, British and American sealers had repeatedly ignored the Spanish. Such a long history of exercising a right of fishery in the face of rare complaint, made it unlikely that they would obey a Hamburg German from Buenos Aires.
715 *AGN Sala VII Legajo 141.* Recorded in Emilio Vernet's diary and *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78-01* which notes the vessel's purpose as "*freights by the settlement.*"
716 Bernhardson 1989 p.194
717 *Ibid*. p.100
718 Rock 1987

"In Buenos Ayres, again, the termination of the war was the commencement of ruinous and disgraceful civil dissensions, in which nothing was respected but force, and the people allowed themselves and their government to be made the sport of military adventurers." [719]

October 18th, Emilio Vernet records in his diary the construction of a pescadero; a place for the drying and salting of fish, sited to the north-east of the settlement. Part of a plan to export fish from the Islands.[720]

November 16th, from Puerto Soledad, Vernet sails for the Rio Negro aboard *Tiburtina,* with a cargo of salt beef, hides and tallow.

December 3rd, in Buenos Aires, two days after seizing power, General Juan Lavalle presents himself to the British, French and US representatives as Governor of Buenos Aires. After consulting, the envoys agree to delay recognition of the new regime. [721]

December 13th, at Puerto Soledad, an American merchantman, *Post Captain*, en-route to New York, stops overnight. The first vessel to arrive at the settlement since September. [722]

In Buenos Aires, Governor Manuel Dorrego is executed by firing squad; *"As civil war erupted, in weeks Lavalle too lost control when the self-styled Federales of Buenos Aires, the late Dorrego's sympathisers, rebelled under General Juan Manuel de Rosas."*[723]

"The ensuing outbreak of the civil war in the United Provinces between the Unitarians and the Federalists was yet another blow to Vernet. He had earlier applied to "European friends" (no doubt including some of his family and associates in Hamburg), hoping they would invest in his project, and around this time ***he drew a map*** *showing East Falkland divided into eleven sections, each to be bought or leased from him.*[724] *They showed little interest, and in any case the civil war "blasted all these prospects," as he says in his "Memoirs".*"[725]

December 31st, at the port of Buenos Aires, Luis Vernet arrives back to find turmoil. Vernet's partners want to abandon the project and he is obliged to buy them out.

> *"I became from that time the sole proprietor with small exceptions of the whole East Falkland Island with all it contained; but was loaded with an oppressive debt."* [726]

719 *Annual Register 1829* p.238
720 Pascoe 2022 vol.1 p.576
721 Kay-Shuttleworth 1910 p.350
722 Vernet 1832. During 1827, 22 vessels had visited Port Soledad. Throughout 1828 the number was only eleven, with seven of them (including just 2 sealers) in the first half of the year; before Vernet's return. Only one of the vessels that visited after July, 1828 was listed as a sealer – *Mercury.* This does not support Vernet's suggestion that it was his attempt to enforce his rights over the seal fisheries that drove the sealers away from Puerto Soledad. It is more likely that fewer sealers was the result of fewer seals. Indeed, there is little evidence that Vernet attempted to seriously assert his right over the fisheries until after the 1829 decree. Certainly no reports from any vessels reached England or the USA.
723 Rock 2018 p.78
724 My emphasis. The legend stated:- *Map of the eastern island of Malvinas, drawn up by Dn. Luis Vernet based on the surveys he carried out between the years 1826, 27 and 28, reduced to a small point of eight miles per inch.* The dark areas were deemed uninhabitable. An excellent, and enlargeable, copy can be found here - https://commons.wikimedia.org/wiki/File:Mapa_de_la_isla_Soledad_hecho_por_Vernet.jpg
725 Pascoe 2022 vol.1 p.577.
726 Vernet in *Memoirs of the Falkland Islands* in *AGN VII 141* (undated)

1829 – January 2nd, at Buenos Aires, James Weddell anchors in *Jane* on a trading venture (coal). [727]

January 7th, at the South Shetland Islands, Capt. Foster of HMS *Chanticleer* takes; *"... formal possession of the lands about the islands on the 7th January, 1829, landing at Cape Possession, Hoseason Island..."* [728]

"In 1829 the surveying was considerably extended by Captain Henry Foster, in HMS Chanticleer, who visited various parts of the South Shetlands." [729]

January 9th, Capt. Foster sets up a base on Deception Island; remaining for 3 months.

January 13th, *Adeona* (William Low) arrives in Berkeley Sound. [730]

January 16th, *Mercury* (Watson) arrives in Berkeley Sound.

January 20th, American sealer *Sarah Atkins* (Kenney) calls into Puerto Soledad. [731]

February 13th, *Uxbridge* arrives in Berkeley Sound. [732]

March 7th, in Buenos Aires, *El Tiempo* reports: [733]

> *"Treatment of Prisoners – Three of the prisoners captured in the action on the 7th Feb., were shot ... Of the remainder, some have been condemned to hard labour, to be transported, &c., for the term of seven years, at present to the Island of Martin Garcia, until the establishment at the Islas Malvinas (Falkland Islands) is to be arranged, to which place the prisoners are ultimately to be sent, to fulfil their term of banishment...."* [734]

"Some time in early 1829 the Buenos Aires government decided to set up a "presidio" in the Falklands, which was presumably why it had reserved ten square leagues for itself around San Carlos under Louis Vernet's concession of January 1828. A presidio was the last thing Vernet wanted – it was a frontier garrison, something between a military outpost and a prison settlement, since much of the army was made up of convicts guarding other convicts. Vernet wrote to the government to protest, saying that a presidio would dissuade many families who would otherwise go to his establishment. The government, however, ignored his protest." [735]

On South Georgia, that same day, Matthew Brisbane, marooned since April, 1828, sails for Montevideo in a small shallop built with materials salvaged from the wreck of his ship, *Hope*. Ten of the crew remain behind to await rescue.

---

727 *Return of the British Trade within the Consulate of Buenos Ayres during the Half Year ending 30 June 1829.* See - https://www.argbrit.org/BAport/movements1829.htm

728 *Memorandum Respecting the Falkland Islands and Dependencies* J. W. Field 1928 paras.271 & 272. The South Shetland Islands would seem to have been taken into the formal possession of the UK on at least three occasions, *cf.* 1819, 1820, 1843, 1892 & 1907

729 *Memorandum on the Falkland Islands Dependencies* January 12, 1947 in *LCO 2/490*

730 The evidence suggests, that following his brothers death, William Low took command of *Adeona*.

731 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78-01.* Variously described as being 'American' or *"of these islands"* suggesting the Vernet's chartered her on more than one occasion.

732 Clearly a pre-arranged rendezvous. *Adeona*, *Mercury* and *Uxbridge* sailed shortly thereafter, for England.

733 It was this news that rang warning bells at the British Legation. Woodbine Parish knew his history – he had researched South America in 1820. What Parish knew of Vernet's activities on Soledad before 1829 is less clear, but, for the first time, a report spoke of the Malvinas/Falkland Islands (plural). It was enough to grab Parish's attention.

734 Copied in the *Morning Advertiser* Saturday June 13, 1829. What 'action', is not clear.

735 Pascoe 2020 p.106 citing *AGN VII 131 doc.147*

March 12th, in Buenos Aires, General Lavalle announces the formation of a new force for the defence of the city, to be made up of foreigners, the - *'Batallon del Comercio Extrangero'*. The order is signed by Admiral Brown.

"During the efforts to repel the threat, Lavalle ordered the military enlistment of British townsmen. Threatening to banish anyone refusing to obey the order,.." [736]

"As the civil war escalated and the Federalists closed in on Buenos Aires, Jose de San Martin, the great "Liberator" who had led the independence struggle against Spain and had been living in Europe, had arrived back in February 1829, but was so disgusted by the chaos he saw in Buenos Aires that he decided not to land and sailed back to Europe." [737]

March 13th, in the Falklands, HMS *Tribune*, a frigate of 42 guns, arrives in Berkeley Sound.

> *"Captain Wilson found in Berkeley Sound, in the Eastern Island of the Falklands, excellent water, abundance of fish, and a good supply of fresh beef, some settlers from Buenos Aires about 50 men and women and children being at that port, and having as they stated about 17,000 head of Cattle on the Island. The Western Island is not inhabited."* [738]

"... the admiralty had been informed by Rear-Admiral Sir Robert Otway, the officer in charge of the south American station based at Rio that..., whilst searching for pirates and privateers in the region of the Plate, one of his captains had put into Berkeley Sound and found the island in possession of a German overseer named Vernet..." [739]

"Emilio Vernet records in his diary that he spent a night aboard the ship on 15 March, and on 18 March bought shoes, socks and tobacco from her purser. The Tribune had been sent by the commander-in-chief on the Royal Navy's South American station, Rear Admiral Sir Thomas Otway, to the Falklands and the coast of Patagonia to "show the flag" and check for any pirates or captured prizes. Captain Wilson of the Tribune reported to Otway that he found all in order in Berkeley Sound, and there were "some settlers from Buenos Ayres (about 50 men women and children) present"." [740]

March 15th, from Buenos Aires, Britain's *charge d'affaires* Woodbine Parish writes to Lord Aberdeen.

> "*In a sentence lately passed upon some Convicts, and signed by the acting Government of Buenos Ayres it was expressed that they were to be banished to Martin Garcia; "until the establishment at the Falkland Isles should be ready for their reception." This, and the circumstances of this Government having taken upon itself at various times to grant to individuals privileges to form temporary Settlements in those Islands for the purposes of Sealing and taking the Wild Cattle which are to be found there, induces me to bring the pretensions of this Government to the Sovereignty of those Islands under your Lordships notice, not being aware that His Majesty has ever formally relinquished his ancient claims to them, and considering that now that the Commerce of the Pacific is open to the World, they may perhaps be thought of much greater value than formerly, when His Majesty discussed His Rights with the Court of Spain.*

736 Rock 2018 p.78
737 Pascoe 2022 vol.1 p.586
738 *Otway to John William Croker 2 April 1829 no.28 Adm. 1/31* also in *FO 78/1* at *66.* HMS *Tribune's* arrival is confirmed in Emilio Vernet's diary and *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01. Tribune* remained near Puerto Soledad until March 18, 1829.
739 Cawkell 2001 p.57
740 Pascoe 2020 p.102

A recent publication by Mr. Weddell, a Master in the navy, who passed two winters in those Islands gives much information respecting them. He has lately been here, and I learnt from him that he found them to be by no means so inhospitable a region as they have hitherto been generally supposed.

*It was the practice of the Spaniards previously to the South American Revolution constantly to maintain a guard in **one of those Islands** over Convicts who were sent there for punishment, and also a small vessel of War, which, as well as the guard, was annually relieved from Buenos Ayres;*

*From the year 1813 (sic) this practice was discontinued, but the Buenos Ayreans have not the less ever considered the Territory as belonging to them, and as far as I can learn, they now have some idea of re-occupying **it** in the same manner and for the same purpose as the Spaniards did."* [741]

"Parish's attention was first called to the question early in 1829, when the Buenos Ayreans proposed a scheme for the detention of prisoners and convicts in the Islands. Parish at once communicated the intention of the Buenos Ayres Government to the Foreign Office..." [742]

"... it would be well to note that what prompted Britain's charge d'affaires in Buenos Ayres to draw Lord Aberdeen's attention to the islands was the apparent intention of the Buenos Ayrean government to establish a penal colony there. Such an establishment would have constituted an undeniably formal Argentine presence in the Falklands, and it was this possibility, together with other formal assertions of sovereignty, against which the British Government reacted. Britain might not object to the presence of individuals on the Falklands, but any formal foreign activity in a 'British' possession constituted a challenge to her sovereignty which could not be allowed to pass without protest." [743]

"Great Britain did not oppose the Spanish settlements or Argentine acts of possession between 1775 and 1828. This argument is quite strong; Even when Great Britain may have considered that the question of sovereignty with Spain was relegated to further debate in 1771, the noticeable lack of interest since then does impair the British claim. The inaction of the British government in the face of Argentine acts of possession does as well. But it seems probable or at least possible, that ... Great Britain might have taken Argentine activity in the Islands as just another display of the frequent private endeavours in fishing and whaling." [744]

"... the central point in Parish's despatch to the Foreign Office was that there was about to be government involvement in the islands as well as Louis Vernet's private cattle-killing venture – Buenos Aires was planning a presidio." [745]

March 16th, from Buenos Aires, despairing of the political situation, Parish writes to Lord Ponsonby at Rio de Janeiro; *"I remain unwillingly, an idle pensioner disappointed in every expectation I was led to form from my services in South America."* [746]

March 18th, after further announcements of military conscription for foreigners, Woodbine Parish protests to the Buenos Airean government; pointing out that the demand breaches the Treaty of 1825. France's representative also protests, forcing Lavalle's government to rescind the order.

741 *FO 6/499 Dispatch No.17* also *FO 78/1/11-13.* My emphasis. Spain withdrew its garrison in 1811. See above.
742 Kay-Shuttleworth 1910
743 *Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands.'* J. Muffty 1986
744 Peña & Peña 2018. These authors appear unaware of the Privy Council (Trade & Plantations) Committee consideration of the status of the Falkland Islands in 1789.
745 Pascoe 2022 vol.1 p.579
746 *Parish to Ponsonby March 16, 1829* in Rock 2018 p.80

April 1st, in the Falklands, American sealer *Harriet* (Pendleton), anchors in Berkeley Sound.

"On 3 April Emelio Vernet records a typical barter transaction: the Harriet obtained seven cattle from the settlement in exchange for tables, paint, maize oil, a little flour and honey" William Pendleton left in the Harriet on 8 April, first going to Port Salvador to look for two of his men who had deserted." [747]

April 9th, Matthew Brisbane arrives at the town of Rio Negro; where he reports the loss of the *Hope*.

April 11th, outside Buenos Aires, General Juan Manuel de Rosas order his troops to shoot all foreigners.[748]

April 12th, in England, William Langdon writes to Member of Parliament, Thomas Potter MacQueen.

> *"Having captained a merchant ship during five trips to New South Wales and returned to London via Cape Horn, I have seen the need to establish a colony in the Falkland Islands in order to provide ... water, supplies or repairs in case of accident. ... I was in Berkeley Sound ten months ago and found the islands held by a German director and about 20 men ..., [who] had been sent there by a company of merchants of Buenos Aires [which] obtained a concession from the government of that state, and its aim was to kill the cattle to remove the skins..."* [749]

MacQueen "*entreats*" the British government on Langdon's behalf; *"... while England slept a foreigner was stealing a march on her."* [750]

April 20th, in Buenos Aires, following an earlier encounter, Parish receives a *memorandum* from Luis Vernet.[751]

> *"There exist now in Soledad Island 10 white inhabitants, 10 seafaring men, mostly English and Americans, 18 Negroes indentured for 10 years, 12 Negro girls, 52 in all, a brother and brother-in-law of Mr. Vernet. There are prepared to embark for the Falklands, eight families including Mr Vernet, and seven single men – Germans. 33 individuals in all. There are going to Staten Land 4 families and 6 single men – English. In all 18 Individuals. 103 people in all."* [752]

*"... for the information of the British Government, and in order to shew them the good faith with which your Memorialist was acting, (I) handed to the British Charge d'Affairs, Sir Woodbine Parish, translations of these Grants, and at the same time stated to that Gentleman, your Memorialist's exact position and the **Title** under which he held the **Eastern** Island, and represented to him that if the Islands should ever come under the British flag, (in which case your Memorialist felt assured that his rights as first Settler, would be fully acknowledged), he would be most happy to render his best services towards the Colonization of them and the General prosperity of the Islands, as a British possession..."* [753]

April 23rd, from the Rio Negro, Matthew Brisbane sails in the *Triunfo* for Buenos Aires.

April 25th, Woodbine Parish writes to Lord Aberdeen.

> *"With reference to my despatch no. 17 of the 15th Ultimo upon the subject of the Falkland Islands, I now enclose for your Lordships information copies of the Grants which have been made by the Government of Buenos Ayres of the Isle of Soledad, as well as of Staten Land, whereby your Lordship*

747 Pascoe 2022 vol.1 p.581

748 *British Packet* April 11, 1829 in Rock 2018 p.78. On opposing sides, Lavalle was a Unitarian; Rosas a Federalist.

749 Quoted in Caillet-Bois 1952 p.418. Also *FO 78/1/54*

750 MacQueen quoted in Cawkell 2001 p.57

751 The date of the first meeting was not recorded, but it seems likely that Parish's enquiries following the March 7 newspaper report had led him to Vernet. The two met, apparently for the first time, and Vernet was asked to provide information about his settlement and business interests in the Falklands.

752 *Parish to Aberdeen April 25, 1829* in *FO 78/1/16-18*

753 *Vernet's Memorandum Presented 7, May, 1852* in *CO 78/43*. My emphasis. *cf.* 1823, 1825, 1826, 1828 & 1852

will observe the terms upon which a Mr Charles (sic) Vernet has undertaken to form Settlements in those places. I have procured these papers from Mr Vernet himself, a very intelligent person, who has passed three winters there, and is now returning with several Colonists to be located according to his Agreement with the Government. I understand from him that he will have sent to Soledad, and Staten Land in this year, and the last, about one hundred persons altogether, of different Nations, as the accompanying list (N°3) sets forth:-

Mr Vernet states the climate of Soledad to be by no means severe, and that although as yet he has not course grain, he has cultivated Potatoes, and other European Vegetables with the greatest success, and doubts not that the Settlers will be able very soon to provide entirely for their own sustenance:-

That Island abounds also with good peat for fuel, and timber adapted to every purpose may be procured from Staten Land:-

Of the Fishery on the adjacent Coast, Mr Vernet expects to make a considerable profit. The chief object however at present is to increase the stock of Cattle which he has found in Soledad, and which he calculates at from 15 to 20,000 head. ***He would I believe be very happy if His Majesty's Government would take his Settlement under their protection****:-*

He sails for the Falklands with his family in about a month, and intends to pass he says some years there in promoting the objects of this Colony." [754]

Woodbine Parish encloses for Aberdeen's consideration.

"Letter of Petition from Louis Vernet to the Governor & Captain General of the Province of Buenos Ayres, 5th January 1828; Buenos Ayres Government Decree Buenos Ayres January 5th 1828; Letter of Petition from Louis Vernet & George Pacheco to the Governor of Buenos Ayres, 18 December 1823; Decree issued to Louis Vernet & George Pacheco Buenos Ayres 18th December 1823; Copy of a business report and further petition made by George Pacheco made available to the British Consul 20th April 1829; Memorandum received from Mr Vernet as to the present state of his Colony in the Falkland Islands, dated Buenos Ayres, 20th April 1829." [755]

"You cannot doubt the veracity of Parish, especially as the document is intended for ministers... Moreover, our knowledge of the documentation leads us to believe that there must have been a manifestation of recklessness by Vernet, torn, possibly, by reservations and counterclaims to make him the business manager of His Majesty. But I doubt that Vernet at that time was well informed about the legitimacy of our titles, and, therefore ... said the words reported in Parish's note." [756]

"Vernet, who was essentially a businessman, had meetings with Parish in May (sic), 1829, where he stated, as Parish reported to London, his willingness to accept British protection. The British Government did not pay attention to his suggestion." [757]

"In letters written 27 years later in 1856, Vernet confirmed that in 1829 he would indeed have preferred British sovereignty in the islands." [758]

754 *Parish to Aberdeen April 25, 1829* in *FO 6/499 & FO 78/1/16.* My emphasis.
755 *Parish to Aberdeen April 25, 1829* in *FO 78/1/16-18.* Notably absent from the list of papers provided by Luis Vernet are the Consular 'certifications' of 1826 and 1828. Parish appears to have remained ignorant of them.
756 Caillet-Bois 1982 (6th ed.) p.305
757 Bullrich 2000 pp.99-100
758 Pascoe 2022 vol.1 p.580

At Puerto Soledad, Carmelita, one of Vernet's indentured slaves, gives birth to a son, Jean José Simon; taking his father's name. Jean (Juan) Simon being one of Vernet's employees. [759]

April 26th, following the defeat of General Juan Lavalle at the battle of Márquez Bridge, the city of Buenos Aires is besieged by General Rosas.

> *" ... one party ruled in the city and another in the country;... the only efficient law was the sword. As to the confederation which formed the Argentine Republic, it no longer existed. While the country districts of one province were fighting bitterly against its capital, the different provinces had their armies in the field, and were fighting equally bitterly against each other."* [760]

May 2nd, Capt. Brisbane finally arrives in Buenos Aires. At the British Legation, he completes a *Public Instrument of Declaration and Protest* recording the loss of the ship *Hope*. [761]

"He volunteered immediately to return to South Georgia, in the hope of saving the remainder of his men..." [762]

"Parish paid the £75 13s 9d (seventy-five pounds, thirteen shillings and ninepence) at once to Brisbane for his crew's immediate needs in Buenos Aires, and on 30 May wrote to the Treasury in London asking for approval of the payment, which was granted." [763]

May 4th, in Buenos Aires, General Lavalle appoints General Martín Rodríguez as interim Governor. [764]

May 15th, Parish, learning that an American ship, *Betsey,* is about to sail south from Buenos Aires under a charter contract with Luis Vernet, negotiates an agreement with both its master, Oliver Keating, and Vernet, for the ship to assist Brisbane in rescuing his shipwrecked crew. [765]

> *"... for the sum of one thousand Spanish Milled Dollars for every calendar month that she may be at (Brisbanes's) disposal... The only object of this Charter is to enable Captn Brisbane to deliver his Seamen that were wrecked upon the Island of New South Georgia in the Schooner "Hope" of London and are presumed still to exist upon said Island..."* [766]

In the Falklands, on the same day *"el peon Simon"* goes to Long Island in Berkeley Sound to tame cattle. [767]

May 17th, at Puerto Soledad, Emilio Vernet notes in his diary that Irish gaucho/cattle-tamer/storeman William Dickson is going to Long Island in Berkeley Sound. [768]

May 18th, Emilio Vernet makes further a note in his diary.

---

759 *CO 78/43*. Recorded as 1828 in Governor Moore's report of December, 1858, the exact date is unknown. Moore's record appears to be inaccurate. If Jean Simon was involved in the transport of the indentured slaves to East Falkland Island, the earliest he could have consummated a relationship with Carmelita was July, 1828, while still in Patagones. That would suggest a birth in April, 1829. If Simon had not helped transport the slaves, the earliest consummation would have been in September, 1828, after their arrival in the islands. That would move the birth to June, 1829. Cirio (2019) gives the year of birth as 1831, but no date.

760 *Annual Register 1829* 1830 p.242

761 *British Packet & Argentine News* May 2, 1829

762 *Parish to Bidwell June 1, 1829* in *FO 6/28/48*

763 Pascoe 2020 p.103

764 Caillet-Bois 1982 (6th ed.) p.205

765 *Parish to Bidwell June 1, 1829* in *FO 6/28/48*

766 *FO 466/3.* Consul Charles Griffiths witnessed the agreement. Brisbane then submitted a petition for a further 1,730 pesos for provisions and clothing for his crew. Paid on May 20, 1829. Kohen & Rodriguez (2016) believe that this act of rescue was in some way an assertion of sovereignty over South Georgia. Their reasoning is hard to follow.

767 Pascoe 2024 2nd edition vol.1. "*Peon*" is labourer. Simon would go on to become head gaucho.

768 For a biography, see - https://www.falklandsbiographies.org/biographies/dickson_william

"Good weather with a bit of rain in the morning and hail at night. Simon, S. Centurion and Anto Rivero slaughtered 2 cows in the camp and brought hides and meat. Simon had found and brought back 4 horses..." [769]

"That date makes it highly unlikely that Rivero took part in the fighting surrounding the Lavalle coup, as asserted by Martiniano Leguizamón Pondal, and impossible that he arrived in the Betsey since she did not leave Buenos Aires till June 1829. ... When Rivero arrived in the islands is not recorded; he may perhaps have been present in 1828, but the fact that Emilio does not record him before May 1829 suggests that he arrived in one of half a dozen ships that touched at Port Louis in the first few months of 1829, ..." [770]

May 20th, in Buenos Aires, Brisbane makes out a formal affidavit absolving his crew of any responsibility for the wreck of *Hope*. He receives further funds for the supplies necessary for his rescue mission.

May 24th, in the Falklands, Emilio Vernet makes a note in his diary; *"Good weather with strong wind from NW to North at night. Jacinto brought 86 bundles of straw from long Island that Eredia had cut... all the black and white to dance the next day which is the anniversary of the freedom of Buenos Aires. The steer Pio Ortiz came from the South."* [771]

May 25th, another entry in Emilio Vernet's diary states; *"Rain almost without interruption all day with strong west wind. The blacks were dancing until 3 in the morning the other day."* [772]

June 1st, Emilio Vernet notes; *"Charly killed a two-hair wolf (sea lion) on one of the islands which served us for oil and leather for tamangos for the blacks."* [773]

June 2nd, in London, from the Foreign Office, John Barrow writes to R. W. Hay with regard to the Falklands.

"I don't know whether your recent enquiries respecting these Islands, concerning which the enclosed gives some information, had any reference to our settling them, as I think it would be wise to do – but if not, the sooner we proceed to do so the better – Remember they are virtually ours, being ceded to us by Spain in full right of occupancy, ... The people of Buenos Ayres can have no pretensions whatever to them." [774]

In Buenos Aires, on the same day, Woodbine Paris reports to London that it has been necessary for British marines to guard his house for two months, due to the chaos in Buenos Aires. [775]

June 5th, Britain's Foreign Office, in receipt of reports from both Rear-Admiral Otway, and Woodbine Parish, recommend that the Government take action with regard to the Falkland Islands.

"These islands are not mentioned in any subsequent treaty with Spain; and no trace has been found of any such correspondence as you suppose may have taken place whereby Gt. Britain agreed to a permanent cession of them... Great Britain, being then in possession, declared on withdrawing her

769 Emilio Vernet's diary. Rivero would lead a murderous riot in 1833. For a biography of Rivero, see - https://www.falklandsbiographies.org/biographies/rivero_antonio

770 Pascoe 2020 p.102

771 Translation by the Malvinas Museum

772 *Ibid.*

773 Haller 2023 citing Gutiérrez 2022. Tamangos were the footwear used by slaves. Charley was the local name for Carlos de Karp. An employee, but status unknown.

774 *FO 6/499*

775 The threat of foreigners being conscripted into Lavalle's army had caused a French admiral to seize all the ships in Buenos Aires harbour, effectively blockading the river. This act had caused outrage in Buenos Aires leading to the French Consul and 600 French citizens fleeing to Montevideo. On June 9, 1829, Parish placed the Consulate's ciphers aboard HMS *Thetis* after the government in Buenos Aires told him that they could not guarantee his safety.

troops from the Islands in 1774 that they were "the sole right & property of Great Britain." Whatever right we possessed then, we appear to have still." [776]

June 9th, in Buenos Aires, despite the turmoil, Luis Vernet submits a request to Governor Martín Rodríguez. [777]

"Exmo. Lord
D. Luis Vernet as the founder of a new colony in the Malvinas Islands before V. E. (Your Excellency) respectfully I present myself and say: after the predecessors of V. E. have competently authorized me to direct this foundation to which I have already given a start at my expense, I thought it appropriate to represent to the superiority the advantages and utility of building a fort for the safety and respect of the establishment itself in the new colony. It's all about manifesting V. E. the reasons of convenience that cannot be hidden, and I will only ask that I be helped with some battery cannons with their corresponding kit, ammunition and other details (on) the note that I attach.

The honorable Board of Representatives in previous years issued a law on the protection of fishing and of its nationals, it has not, however, had any significant effect since it is indispensable [that a] warship crosses those seas for the cause of which foreign nations have enjoyed complete freedom of fishing to the detriment of the inhabitants and the State, which could have reported huge amounts if it had dedicated itself to collecting the amount per ton established by that law. I also find it very convenient that a small vessel with a rotary barrel of colisa (?) be placed at my disposal for the sole purpose of assigning it to the collection of the (duties) by pointing out the fixed points to which I must send it, taking care to inform the government of the collection religiously. This vessel could also serve as a conduit for timber from the Strait of Magellan that should be used for the construction of the fort, and also to maintain efficient communication between these islands and the Río Negro and Buenos Aires. Although I did say V. E. that an armed vessel crossing those seas is indispensable for fishing, but in order not to tax the state, a small sailing vessel can be made available which, at the same time as it is useful, saves the state the costs of a larger vessel. I must also present V. E. that the announcement of a prison on the island of la Soledad where the old one was has caused many families who could have (been) encouraged (to) that establishment to withdraw, and if it is not to erase the impression that this announcement gives on the island of the new colony, it may perhaps cross the European emigration company in which I am committed to promoting.

I therefore believe it is my duty to plead with V. E. that by a special decree the re-establishment of the former prison on that island be prohibited; but in the event that the Government wishes to restore it, I, for my part, will take care to indicate one of the immediate small islands that are most appropriate for this purpose by committing myself to provide all the aid that is within my reach for the construction of the prison. V. E. will not fail to know the greatest advantage of a presidio on a small island where everything is in sight, and the dangerous [in] an extensive island where elements are presented to disrupt the order that is the first thing we must guard in the foundation of every colony.

Anyway, I think V. E. nothing will fail to make it contribute to its promotion as so interesting to the greatness and prosperity of the Republic that it seems that due to the circumstances of war and revolution it had not been possible to contract a company that must eventually strengthen its political existence and respectability with other nations. Therefore= I ask and I beg that having presented myself, it be served to command as I leave exposed for being of Justice. Luis Vernet"[778]

776 *John Backhouse to Hay June 5 1829* in *CO 78/1/3*
777 Caillet-Bois 1982 p.208. The copy of the document in the Argentine National Archive (*AGN X-293*) is not dated.
778 *AGN X-293*

"It is evident that the Seal Fishery in those Islands, is exhaustible,... Foreigners who only seek present and immediate utility, without considering the future, effect the slaughter in a pernicious manner. They set fire to the fields and slaughter indiscriminately, and in all seasons, even in that of bringing forth young. In consequence of this, and of the constant and great concourse, has ensued the present diminution of Seals, of which there are now scarcely the twentieth part of what there were in 1820. It is not impossible that this valuable species may return to its former abundance, by means of a well regulated slaughter, and some years of respite. But while Foreigners continue to slaughter, it is impossible, and the species will become extinct. If this takes place, the Colony is undone, for the slaughter is the great allurement... I perceived the danger to which this disorder exposed the Colony... For this reason I requested the Government to furnish me with a Vessel of War, to enable me to cause the rights of the Colony to be respected." [779]

"... just one more step that was added to the series begun years ago, ... (by) then Governor (Rodríguez)." [780]

June 10th, the provincial government of Buenos Aires issues a decree.

Political and Military Command of the Malvinas

*"When by the glorious Revolution of May 25, 1810 these Provinces separated themselves from the Dominion of the Mother Country, Spain held the important possession of the Falkland Islands, and of all the others around Cape Horn, including that known under the name of Tierra del Fuego; that possession being justified by the right of being the **first occupant**, by the consent of the principal maritime powers of Europe and the proximity of these islands to the Continent that formed the Viceroyalty of Buenos Aires, unto which government they depended.*

*For this reason, the Government of the Republic having **succeeded** to every right which the Mother Country previously exercised over these Provinces, and which its Viceroys possessed, continued to exercise acts of Dominion in the said Islands, its Ports and Coasts, notwithstanding circumstances have hitherto prevented this Republic from paying the attention to that part of the Territory which, from its importance, it demands. Nevertheless, the necessity of no longer delaying such precautionary measures as shall be necessary to secure the rights of the Republic; and at the same time to possess the advantages which the productions of the said Islands may yield, and to afford to the Inhabitants that protection of which they are entitled, the Government has agreed and decreed, as follows:*

Article 1:- The Falkland Islands and those adjacent to Cape Horn in the Atlantic Ocean, shall be under the command of a Political and Military Commander, appointed immediately by the Government of the Republic.

Article 2:- The Political and Military Commander shall reside in the Island de la Soledad, on which a Battery shall be erected under the Flag of the Republic.

Article 3:- The Political and Military Commander shall cause the Laws of the Republic, to be observed by the Inhabitants of the said Islands, and provide for the due performance of the Regulations respecting Seal Fishery on the Coasts."

Martin Rodriguez *Salvador Maria del Carril* [781]

779 Vernet 1832.

780 Caillet-Bois 1982 pp.205 & 208 *cf.* September 1820

781 *British & Foreign State Papers 1831-1832 p 314.* My emphasis throughout. June 10th, 1829 was the 59th anniversary of the surrender of Britain's garrison at Port Egmont in 1770. Coincidence? Perhaps. However, it is worth remembering that 1) Spain had not been first occupant. It had been the second occupant of Soledad Island behind the French; and third in the archipelago, behind the British. 2) The principle maritime powers in 1767 were Britain, Spain and Holland. Britain

"Taking advantage of the opportunity to be at the head of the province's destinies as delegate Governor, General Martín Rodríguez (elected on May 4), required Vernet to be granted an official status that would strengthen his position on the islands. Such a request, moreover, if satisfied, would not constitute an overstepping of the new authorities; it was a further step in the series begun years ago, and in which the then delegated Governor had had such decisive intervention." [782]

Vernet's request for a warship is not granted. However he is provided with 4 cannon, 50 rifles and ammunition, 20 quintals of iron, a bellows and blacksmith equipment, carpentry, construction and farming tools. [783]

> *"... I demanded a warship from the government, that would enforce the rights of the establishment. The government knew this truth but could not then send me the ship, deciding to invest me with a public character, and issued the two decrees of June 10 (1829), restoring for one the government of Malvinas and Tierra del Fuego, and nominating me for the other to carry out this position."* [784]

"The Buenos Ayres government has taken possession of the Falkland Islands, which, with Tierra del Fuego, are erected into a military government, the seat of which is fixed at the island of La Soledad." [785]

"The decree asserted the right of Buenos Ayres to the Falkland Islands and all the others, on the ground of having been formerly occupied by Spanish subjects, and of having been incorporated in the viceroyalty of the Rio de la Plata, when under the Spanish monarchy, whose successors the government of Buenos Ayres claimed to be, by virtue of the revolution of the twenty – fifth of May, eighteen hundred and ten. It is proper to state here, that by this revolution the dominion of the Spanish nation was thrown off at Buenos Ayres, but not that of the Spanish king. Ferdinand VII, was acknowledged there until eighteen hundred and sixteen, and, in some parts of the vice royalty, several years longer. This decree was never communicated to the government of the United States, nor to Mr. Forbes, our resident at Buenos Ayres, nor does it appear that he protested against it." [786]

"Coinciding with the anniversary of the first expulsion of the English from Puerto Egmont, on June 10, 1829, General Martín Rodríguez appointed governor of the islands to Luis Vernet, a native of Hamburg,..." [787]

---

and Holland had not given any consent to Spain. 3) Proximity was not the term used in the 1760s. Adjacency was. At 100 leagues distant (300 miles), the Falklands had not been considered adjacent to South America by any nation except Spain. 4) The Viceroyalty was of the Rio de la Plata. Not Buenos Aires. The last seat of the Viceroyalty had been at Montevideo. 5) The government in Buenos Aires was not the 'Government of the Republic.' Finally, there was no natural right of inheritance favouring a revolted colony; nor any legal right under international law as it stood in 1829. Indeed, Spain still considered the provinces, and Soledad Island, as their territory. This decree carried two signatures. One belonged to the Minister of Finance and Foreign Affairs, Salvador Maria del Carril. The other was from an old friend, Martin Rodriguez, who had returned to Buenos Aires with General Lavalle. Considering his repeated appearances, there is a good case to consider Rodriguez as the driving force behind the Buenos Airean attempt to seize control of the islands. Caillet-Bois (1982) believed that it was Rodriguez who had first suggested the wild cattle venture to Pacheco in 1820. Pacheco's licence and land grant of 1823 also carried Rodriguez's signature. This last was the biggest leap yet. From a request for a fisheries protection vessel, to a military commander. One further, and dramatic, departure from previous licences and decrees was that this enactment was published. The first notification of Buenos Airean pretensions revealed to the world. See 1882.

782 Caillet-Bois 1982 (6th ed.) p.205

783 *Archivo General de la Nación Argentina. Fondo Luis Vernet. Sala VII 2-4-6*

784 Vernet quoted in Areco 1885 p.53

785 *London Evening Standard* Thursday September 3 1829. The publication of the decree was widely reported in Britain.

786 Reynolds 1835 p.483

787 *El Problema de las Malvinas* Raimundo D. Alejo 1982

"The Decree, published on June 13th, appropriately based Argentine rights upon Spanish inheritance and negated any other means of acquisition of sovereignty such as the occupation of terra derelictae, as claimed by Vernet, or usucapio..." [788]

"Despite the chaos, on 10 June 1829 Vernet managed to get hold of General Martín Rodríguez, Lavalle's governor of Buenos Aires, and at Vernet's request Rodríguez made the Falklands into a "comandancia", the political entity below a "gobernación" in the old Spanish imperial hierarchy. A gobernación would have had a governor, but a comandancia only rated a "Comandante Político y Militar"... At any rate, the date of the decree, 10 June, was noteworthy in the history of the Falklands – it was the date on which the British had been expelled from Port Egmont in 1770..." [789]

A second document grants the title of '*Civil and Military Commandant'* to Luis Vernet.

> *"The Government of Buenos Aries; Having resolved by decree of this date that the Malvinas Islands, and the adjacencies to Cape Horn in the Atlantic Ocean shall be ruled by a Military and Political Commandant , and considering the qualities possessed by D. Luis Bernet (sic), has decided to appoint him by this present document (and) appoints him to the said post of Military and Political Commandant of the Malvinas Islands, delegating to this person all the authority and jurisdiction necessary to that purpose. Given at Buenos Ayres, tenth of June eighteen hundred and twenty nine.*
>
> *Martin Rodríguez Salvador Maria del Carril"* [790]

Unlike the decree, this appointment is neither announced nor gazetted.

"... the Government, either believing me to be the most proper person, or to save the expense of a salary, .., thought it expedient that the Director of the Colony should also be Civil and Military Governor; and, by another distinct Decree, although of the same date, it nominated me to fill this office... The Decree which ordered that a Governor should be named was published by the press; but the other under the same date, in which I was appointed Governor, was not published. This circumstance has doubtless given rise to the idea that I had appropriated to myself this title..." [791]

"... in 1829 I obtained the public appointment of Governor, which appointment I of course admitted with reluctance; and was prompted to do so merely from the fear of some creole officer being appointed for the place, and whose Governorship might become very detrimental to my private concerns." [792]

"... in... 1829 (up to which time the British Government had not exercised any act of Sovereignty) your Memorialist was offered the appointment of Governor of these islands by the Buenos Ayrean Government, and finding, that, notwithstanding his frank avowal of preferring to be under the protection of the British Flag, .., no change of flag had then been made, your Memorialist accepted the said appointment with the view of affording at least some protection to his rising Colony, and not with reference to any political question." [793]

"It was therefore not a decree, strictly speaking, but rather a sort of supplementary and reserved article on the other." [794]

---

788 Peña & Peña 2018. *Usucapio* is prescription/adverse possession.
789 Pascoe 2020 pp.102-103
790 Quoted in Pascoe 2024 2nd edition vol.1 citing *AGN VII 128.*
791 Vernet 1832. Also *Archivo General de la Nación, Fondo Luis Vernet Sala VII 2-4-6. cf*. 1832.
792 *Vernet to Parish July 23, 1834* in *FO 6/501 fols.147-148*
793 *Vernet's Memorandum Presented 7, May, 1852* in *CO 78/43*
794 *Les Iles Malouines, Nouvel exposé d'un vieux litige* P. Groussac 1910 pp.23-24

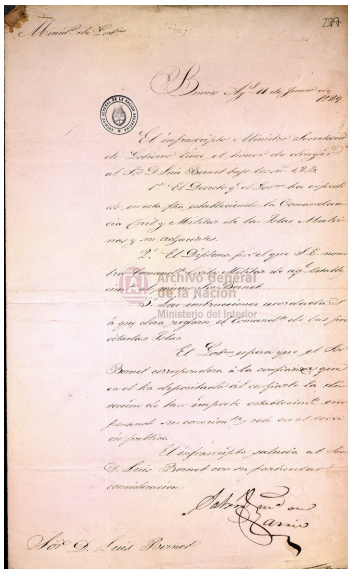
"By June, 1829, the Governor of Buenos Aires, General Juan Lavalle, resolved to claim for Argentina all the possessions of Spain in its former Viceroyalty of Rio de la Plata. To insure permanent possession of the Falkland islands and Tierra del Fuego, Lavalle placed them under a political and military governor. This officer would enforce all Argentine laws in the islands, especially those protecting the seal fisheries. To the scheming Vernet went this appointment." [795]

"By two decrees of June 10, 1829, the government of Buenos Aires created the Political and Military Command of Malvinas, and appointed Louis Vernet its ... Commander. As from that date, Vernet's actions could compromise the government of Buenos Aires of which he had become a representative." [796]

"What was missing, however, was a public announcement of Vernet's appointment as CPM. However official the document, it could only become valid when publicly announced; Vernet's appointment was never published in the official gazette and was thus never strictly legal. Those were chaotic times, but it is difficult to understand why there was time to gazette the comandancia, but not Vernet's appointment as CPM. Vernet published the text of the Comandancia decree in his Circular, but he appears never to have done the same with his own appointment as CPM; he probably knew it was not properly legal." [797]

June 11th, copies of the decree and diploma are issued to Luis Vernet. [798]

> *"The undersigned Secretary to the Minister Secretary of Government has the honor to direct Mr. Luis Bernet (sic) under the terms 1, 2 and 3;*
>
> *1st. The **Decree** that the Government has issued on this date establishing the Civil and Military Command of the Malvinas Islands and their adjacencies;*
>
> *2nd The **Diploma** for which His Excellency appoints Mr. Bernet (sic) Civil and Military Commander of that establishment;*
>
> *3rd The **Instructions** agreed upon by the Commander of the above-mentioned Islands.*
>
> *The Government hopes that Mr. Bernet (sic) will respond to the confidence His Excellency has in his knowledge and zeal for the public service."* [799]


Archivo General de la Nación
Ministerio del Interior

"He then obtained four barrels of eight with their corresponding equipment of projectiles, 50 rifles, in addition to other implements, such as bellows, forges, etc. (11 June)." [800]

June 13th, the Provincial Government of Buenos Aires publishes its decree entitled: *Political and Military Command of the Malvinas,* in the city's journals.[801]

795 Peterson 1964 p.102
796 Peña & Peña 2018. Vernet's appointment was not by decree.
797 Pascoe 2022 vol.1 p.589
798 The document clearly employs a B rather than a V. The two sound very similar in the Spanish language.
799 Translation by Fabian Turcato. My emphasis. Quoted in *La agresión norteamericana a las Islas Malvinas* Ernesto Fitte 1966 p.17. Also Caillet-Bois 1982 p.208 fn.44 citing *Archivo General de la Nacion, Documentacion donada, Archivo de Vernet*. An alternative translation for No.3 would be – "*The instructions according by which the commander of the aforementioned islands will be regulated."*
800 Caillet-Bois 1982 (6th ed.) p.209
801 For example *La Gaceta Mercantil* June 13, 1829 p.2

"... during the temporary existence of a government at Buenos Ayres, originating in a mutiny, and disgraced by the murder of the chief magistrate, one Louis Vernet, a German adventurer and a naturalized citizen of the United States, obtained a decree by which he was constituted civil and military governor of the Falkland Islands, Terra del Fuego, and the adjacent islands. ..." [802]

"... June 1829 a Buenos Aires Decree regarding the administration of the Falkland Islands appears in the Registro Nacional. By this time, it is true, the Government of Buenos Aires had gained the recognition of both the United States and Great Britain. But the foundations of that government seemed no more stable than in the earlier days of anarchy." [803]

"The Pennsylvania Inquirer published the decrees of 1829." [804]

Luis Vernet has a seal made (left).

"... with which he stamped all his documents.. in the center the 'Arms of the Country and in contour the inscription Comandancia of the Malvinas and adjacencies.'..." [805]

"While he was in Buenos Aires Vernet had a circular printed in English to give to captains of ships visiting the Falklands. On one side it bore Vernet's translation of the comandancia decree and on the other a warning against "fishing" (mainly sealing) and shooting cattle. ... In his warning on the other side, Vernet promotes himself to governor, though he was only a CPM (a mere commandant), and he warns that offenders against the laws governing the "fisheries" may become "a lawful prize",.." [806]

June 16th, in London, Lieut. Langdon (RN) writes a report regarding his views on the Falkland Islands. [807]

"... I have had an opportunity of forming an opinion upon the necessity for our Government taking possession of these Islands again, which can be done at a trifling expense, and after being garrisoned by a Company of Marine soldiers can be enabled to support themselves. The Islands ... contained more than 10,000 head of horned cattle and great numbers of horses, besides wild hogs, and all kinds of wildfowl..." [808]

June 17th, in Argentina, the *Gaceta Mercantil* reports:

> *"One of the most important measures of the current government has been the political and military organization of the Malvinas Islands, and the lands adjacent to the strait of Magellan. Although our navy is in its infancy, we can take great advantage of the Falkland Islands. The territory is very fertile, its climate less harsh than corresponds to its latitude. The quadrupeds, which the Spaniards released there, have multiplied prodigiously, and it is estimated that there will be no less than 40,000 head of cattle, with countless wild horses. The Government will undoubtedly give a useful destination to this flow, after circumstances allow it to deal with the exploitation of those islands. Another abundant spring is the fishing of sea lions that abound on its coasts..."* [809]

802 Reynolds 1835 p.483
803 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
804 Caillet-Bois 1982 p.227 fn.29
805 *Ibid.* p.210
806 Pascoe 2020 p.102
807 Caillet-Bois (1982 (6th ed.) chp.19) uses this report to argue that the subsequent British action in 1833 was based upon a British desire to secure its sea route to Australia. However, there is no evidence that this report was submitted to the British government before 1835. Which is where it appears in the British archive in *CO 78/2 f.173*. See also May 22, 1827 above
808 *PRO CO 78/02*
809 *La Gaceta Mercantil* June 17, 1829 n°.1627 p.2 cols. 2-4

In the Port of Buenos Aires, Luis Vernet embarks his family and household onto the brig *Betsey* (Keating).

"... an expedition made from Buenos Ayres in the Brig "Betsey", Captain Keating, with Colonists and my own family, furniture, provisions and a flock of Merino-Mustigo Sheep. ... expenses for an establishment on the Island of Statenland for cutting and sawing of wood, which Island was ceded to me by the Government of Buenos Ayres, for the purpose of supplying the Colony with the necessary timber for its own use, and in order to have this additional article of exportation. For this purpose were employed the American Brig "Betsy", Captain Keating and the Brig "Maria Antonia" Captain Brock, and the American Schooner "Belville" Captain Bray..." [810]

June 19th, in London, Parish's letter of March 15th is copied to the Secretary of State for War and the Colonies, Sir George Murray. [811]

At Buenos Aires, with *Betsey* ready to sail, Luis Vernet posts a letter to Woodbine Parish inviting an investment in the new colony.

> *"... My letter to you is not in your publick (sic) character, but as to a private individual, and as such being convinced that no person has it so much in his power to further the coming of settlers from England as you, and more so if the intention which once you mentioned to me is realised. I propose either your entering yourself into my undeertaking or to introduce into it some of your friends that you may wish to favour.The terms should be to mutual great advantage, that is to enter with me on equal shares – by repaying me one half of the expenses that I have hitherto been at; then whatever the cattle, fishery, rent of Lands, or sale of the same may produce, will belong to both. ...*
>
> *Once more I must observe that my letter is private and intended for you in your private character; and were you not occupying a public situation, I should also, and indeed more willingly write to you on this subject, being prompted to me merely by the consiousness of the Knowledge that you possess of the subject, and that you will conceive the importance of founding a flourishing Colony, ..."* [812]

"... your Memorialist,.. confidently relied on British protection in any case of necessity, and did not, for a moment, hesitate to embark the whole of his own property, and a large portion of that of his friends in England, and the United States, and on the Continent of Europe, in founding the Colony, and in bringing to the Island several English, German and other families."[813]

"Shortly before leaving with his title of Political and Military Commander, he tried to convince Woodbine Parish to take part as a private individual in the undertaking begun. "No one better than you," he said, "could encourage the coming of Settlers from England." Vernet requested, in exchange for the participation of the profits from the operation, the reimbursement of half of the sum invested until then (June 1829). In his view, the inconvenience caused by the sending of settlers from Buenos Aires or England "would be sufficiently compensated by the value of the land". He added that he left "to (Parish's) best judgment the preparation of the plan [of] direction, the management to which the Colony must undergo for its best success". He then hardened his idea, proposing a contract by which a Company would be constituted in England by shares for about one

810 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)

811 *FO 78/1/10*

812 *Vernet to Parish June 19, 1829* in *AGN VII, 129, doc.70* quoted in full in Pascoe 2022 vol.1 pp.590-591. Quite what 'knowledge' Parish possessed is not identified, although the Consul-General had researched the subject of the Spanish colonies in 1820.

813 *Vernet's Memorandum Presented 7, May, 1852* in *CO 78/43*

hundred thousand pounds sterling, amount in which they would be represented by fifty thousand, sum in which they valued the lands." [814]

"... nine days after the decree establishing the Comandancia, he wrote to Woodbine parish from aboard the Betsey in the roadstead of Buenos Aires, inviting Parish to form a partnership and a British company to invest in the colony at Port Louis. Vernet alludes to his new role as "Comandante Político y Militar", but says he fears there may be some intrigue behind it, so that it might actually endanger his enterprise." [815]

June 20th, the *British Packet & Argentine News* publishes the decree of June 10. It also notes:

> *"June 19 Sailed, American brig, Betsey, Keating, for the Colony, and Falkland Islands; passenger Mr. Lewis Vernet, and likewise individuals, and families (emigrants)."* [816]

"... I carried thither, several German Families to form dairy farms..." [817]

"Brisbane boarded the Betsey together with Vernet and his family (his wife María, known as "Mariquita", and their three small children Emilio, Luisa, and Sofía); the children's British governess Miss Robinson; two British families; one Spanish-speaking family; five German families and 16 bachelors – 57 people in all. The "colonists" or "settlers" were almost all British or German; Vernet did not want South Americans except as gauchos." [818]

June 21st, at Montevideo, *Betsey* takes on further supplies. Vernet writes again to Parish.

> *"My establishment at the Falklands, you are already aware is in a fair way of prosperity, tho' by very slow degrees – my own means being too scant to give the impulse it deserves. Tis true I have appointed agents abroad in different parts of Europe to get settlers giving them grants of land, but the instability of the Government of Bs Ayres, the frequent revolutions and disturbances have as yet deterred speculators from entering into my plans of colonisation.... I am forced to seek a partner – among the merchants I could find none, they understand nothing but the shop – I have therefore directed my views upon you...*
>
> *I offer you a share in my concerns at the Falklands not exceeding the half nor less than a fourth... you can do more for its benefit than any other person, because you have only to state to your government the advantage of their vessels of war to go round the Horn to touch them in preference to touching at a port in the Brazils, where they are subject to suffering from desertions and sickness, and no doubts although all vessels would touch them for refreshment or repair – merchant vessels of all parts would soon follow the example and the settlers would find consumers for all their staple articles at the islands, which of course would give a great impulse to the colony..."* [819]

"... still aboard the Betsey, he wrote to Parish again with the same offer of half shares, but now saying he would like to obtain inhabitants "of the Shetland Islands, of Norway, of the northern parts of Holland and Germany, of Switzerland or the highlands of Scotland and the bays of Ireland." Those two letters express his concerns at the time – he did not have the funds to develop his colony himself and thought his best chance of success was to obtain British funds and British settlers, plus others from northern Europe." [820]

---

814 Caillet-Bois 1982 (6th ed.) pp.226-227 citing *Vernet to Parish June 19, 1829*

815 Pascoe 2024 2nd edition vol.1

816 *The British Packet & Argentine News* June 20, 1829 n° 148, p.3 col.2 & 3. Another passenger was Matthew Brisbane.

817 *Vernet to Labouchere December 1856* in *CO 78/43*

818 Pascoe 2020 p.104. Listed as cargo are a "*good*" piano, fine crystal chandeliers, dining tables, barometers, thermometers, kitchen utensils, a box of surgical instruments, a library, coarse and fine china, a large living room rug, a fine sofa, etc. The brig carried barrels of vinegar, linseed oil, turpentine, gin, coffee, tree saplings and sheep.

819 *Vernet to Paris June 21, 1829* in *AGN VII, 129, doc.71* quoted in Pascoe 2022 vol.1 pp.591-592

820 Pascoe 2020 p.105. See September 25, 1829 below.

June 23rd, *La Gazeta Mercantil* names Luis Vernet as the; *"... Comandante politico y militar de las islas."*

> *"The decree on the Malvinas has already been executed. D. Louis Vernet, a native of Hamburg, a very active and intelligent man, who had made an attempt to explore those islands, has been appointed its political and military commander. He has been transported there with his family, and with about forty English and German settlers, with whom he will lay the foundations of a colony, in Berkley Bay."* [821]

June 26th, Parish notifies London of the decree gazetted on the 13th; *"... formerly asserting the Rights of the Republic to those Islands."*

> *"Since my despatches No. 17 and 24 to Your Lordship upon the subject of the Falklands, the Provisional Government of Buenos Ayres has issued a Decree of which I forward a copy for Your Lordship's information, formally asserting the Rights of this Republick to those Islands:-*
>
> *I believe that the steps lately taken by Mr Vernet to increase his Colony, at the Isle of Soledad, have drawn the attention of the Buenos Ayrean Authorities to the subject, and have led to this measure. But, I do not learn that they at present contemplate taking any further steps in pursuance of their Decree, beyond the conferring upon Mr Vernet himself the Honorary appointment of Political and Military Governor of his own Settlement."* [822]

In France, a book by Louis-Isildore Duperrey, *Voyage autor du monde: Texte. Partie historique,* calls for a reconsideration of French claims to the Falkland Islands (Malouines). [823]

"There will always be objections against the founding of an establishment on these islands, firstly the impossibility of finding maintenance for the colonists there, and then the extreme distance from the metropolis. But should we really stop at such considerations when it comes to maritime trade?" [824]

June 27th, an agreement is reached between General Juan Lavalle, Captain General of the Province of Buenos Ayres, and the Commandant General of the Country Districts, Juan Manuel Rosas; *"... in order to put an end to the disturbances which have afflicted the province,..."* [825]

June 29th, in London, the Foreign Office forwards Parish's April 25th letter to Secretary Murray.

July 2nd, Sir John Barrow, Permanent Secretary to the Admiralty argues for an immediate return of British forces to the archipelago in a letter to Robert Hay, Permanent Under-Secretary for the Colonies. Barrow asserts that under the; *"Law of Nations ... priority of discovery must give way to priority of occupancy."* [826]

July 9th, Foreign Secretary, George Hamilton-Gordon, Lord Aberdeen, requests a legal opinion regarding Britain's title to the archipelago. Lord Dunglas writes to the Advocate-General, Sir Herbert Jenner.

---

821 *La Gaceta Mercantil* June 23, 1829 no.1642 p.2 cols.2-4. The full decree was published in the same journal on July 7, 1832 (no.2520 p.2 cols.1-4).

822 *FO 6/499* and *FO 78/1/40.* This appears to confirm that Parish had not been aware of the pretensions of Buenos Aires before April, 1829, when the newspapers had reported the likelihood of a new *presidio* on the Islands. It also emphasises that Parish continued to view the activities of Vernet as purely a business concern; i.e., "*his own*" settlement rather than a Buenos Airean settlement. Coincidentally, Vernet only ever referred to "*his*" settlement or colony.

823 An officer on board *Urainie* in 1820, Duperrey had revisited the Falklands in 1823. See above.

824 Duperrey 1829 p.105

825 *London Courier & Evening Gazette* Thursday September 3, 1829

826 Quoted in *The British Reoccupation and Colonization of the Falkland Islands, or Malvinas 1832 – 1843* Barry Gough 1990 citing *CO 303/146.*

"... the Government of Buenos Ayres has recently claimed them as an appendage to their territory, on the ground of right derived to them from the Crown of Spain; and Lord Aberdeen directs me to request that you will be pleased to take these the circumstances into consideration, and report to His Lordship your opinion how far the interval of non-occupation by any British force from the year 1774 to the present time or any portion of the previous transactions already referred to, can be held to invalidate the former claim of this country to the islands in question." [827]

July 10th, London's War and Colonial Office expresses surprise at the Buenos Aires Government; *".. assuming to themselves the right to dispose of the Islands and the projects which they have in regard to them."* [828]

"... (The Right).. to these Islands has always been maintained in our discussions with the Spanish Govt., as well on the ground of prior discovery, as of prior settlement, and it is clear that Spain has acquired no additional Right to them since the period since her supposed claims were successfully resisted by Great Britain." [829]

July 11th, from Buenos Aires, Woodbine Parish forwards to London a letter by an Englishman named Beckington. Calling for the establishment of a naval base on the Falklands. For the protection of whalers.[830]

July 14th, in Berkeley Sound, *Betsey* arrives with its passengers and settlers.[831]

Following an absence of seven months, Vernet resolves to; "*... employ all my resources and avail myself of all my connections in order to undertake a formal colonization which should... lay the foundation of a national Fishery which has been at all times and in all countries the origin and nursery of the Navy and Mercantile Marine...*" [832]

This leads Vernet to the decision that a formal act of "*dominion*" will take place in August; on the anniversary of Saint Rose of Lima's death. [833]

"On 15 July 1828 (sic), Vernet arrived on the Islands with his wife, his children and 15 English colonists, 23 Germans, as well as gauchos and indians to work on the land." [834]

"The Betsey brought 57 people; 16-20 of them sailed on to Statenland but eventually went back to Buenos Aires. Only about 40-45 of the settlers, mostly Germans or British, remained for a while at Port Louis and temporarily brought its population up to around 95-100 – the exact number is not recorded, though it is clear that the population did not rise much above 100 at this time. Even that figure was not maintained for long, as tensions arose among the Germans and the Spanish speakers." [835]

Around the same time, the American sealer *Harriet* arrives in San Salvador Bay where its commander, Capt. Pendleton, is presented with a copy of Vernet's sealing restrictions by Matthew Brisbane. [836]

---

827 *FO 83/2227/95*. Quoted less accurately in Caillet-Bois 1982 pp.422-423

828 *Colonial Office Papers 10 July 1829, PRO CO 78/2 FO. 160v* in Ware 1984

829 *CO 78/2.* Which discussions and when are not made clear by the note.

830 *Beckington to Robert Peel July 11, 1829* in Caillet-Bois 1982 (6th ed.) p.304

831 And a British Governess for the Vernet children – Miss Robinson.

832 Vernet 1832 p.420

833 An act of dominion is the taking up of ownership. See *¿Islas Malvinas o Falkland Islands? La cuestión de la soberanía sobre las islas del Atlántico Sur* Luciana Coconi 2007 (unpublished thesis). *cf.* August 30, 1829.

834 Bullrich 2000 p.100

835 Pascoe 2020 p.107

836 Cawkell 2001 p.52. It seems that during the voyage from Montevideo, Brisbane and Vernet became firm friends; with Brisbane agreeing to work for Luis Vernet.

"Captain Brisbane ... is the person who was formerly with Mr. Weddell in his voyage to South Georgia. He has since associated himself with Mr. Vernet in his speculation in the Falklands." [837]

At Puerto Soledad, María Sáez Pérez de Vernet starts a diary. [838]

"The population was employed in the "seizing" and domestication of raised cattle, in the construction of corrals, ranches and tambos, in the manufacture of cheese and butter, in the cultivation of orchards, in the construction of stone houses, in the killing of rabbits and salting of fish, in the hunting of amphibians, etc. Not counting those who, because they had a trade, such as blacksmiths, shoemakers and tailors, devoted most of their time to that." [839]

July 22nd, in London, an internal *memorandum* is drafted.

> *"The opportunity to bring the accompanying documents to the attention of his colleagues at the present time has been energetically brought to the attention of Sir George Murray by the following circumstances:*
>
> *1° The demonstrations made by the merchants who traffic with South America and the Pacific, pointing out the urgent need to ensure for the navigation of this country a port for repairs and refreshment in the Southern latitudes. As to the political reasons for obtaining possession of such an important station for our Naval Force in a region of the world where there is no British port to resort to, Sir George Murray does not consider it necessary to extend himself, although he knows that they are a very important part of the consideration of the question.*
>
> *2° The procedures of the Government of Buenos Aires, in assuming the right to dispose, and the projects they have in view with respect to them, as communicated in the last dispatches of the Diplomatic Agent at that point. It is clear that, judging from these communications, the time has come when the claim of Great Britain for these Islands must be affirmed either clearly or totally abandoned.*
>
> *3° The importance of obtaining a site as desirable as the Falkland Islands for a part of our convicts, provided that it is not considered convenient for the Australian Provinces to continue in the status of penal colonies, constitutes a different matter that contributes to highlight this issue in the present moment."* [840]

"... the documentation alone reveals the pressure exerted by traders directly interested in transactions with Australia and other lands in the Pacific Ocean." [841]

July 23rd, Sir George Murray writes to the British Prime Minister, Arthur Wellesley, 1st Duke of Wellington.

> *"It appears to me that the interval between the cessation of the power of old Spain and the consolidation of that of the new governments in South America would be the best time for our resuming our former possession of the Falkland Islands…*

---

837 *Woodbine Parish to Earl of Aberdeen November 20, 1830* in *FO 78/1/111*

838 Which she would keep for just five months from July 14 to December 1, 1829. María Sáez Pérez de Vernet was pregnant on arrival. See February, 1830.

839 Caillet-Bois 1982 (6th ed.) p.213 citing *Archivo del Ministerio de Relaciones Exteriores, Buenos Aires, División Política, Islas Malvinas, leg. II, exp.1, 1832/35, vol.III*

840 Caillet-Bois 1982 (6th ed.) pp.311-312 citing *Respecting the Falkland Islands July 22, 1829* in *CO 78/2*. I am unable to find this *memorandum* in *CO 78/2* which deals primarily with events in 1834/5, although it does include a copy of Langdon's June, 1829 report (not submitted by George Whitington until 1835).

841 *Ibid.* p.312

I have not spoken with Lord Melville on the subject, but I believe he is very sensible of the importance in the naval point of view of the occupation of those islands."

July 25th, Wellington responds.

*"It is not clear to me that we have ever possessed the sovereignty of **all** these islands. The convention certainly goes no farther than to restore to us Port Egmont, which we abandoned nearly sixty years ago. If our right to the Falkland Islands had been undisputed at that time and indisputable, I confess that I should doubt the expediency of now taking possession of them.*

*We have possession of nearly every valuable post and colony in the world and I confess that I am anxious to avoid to excite the attention and jealousy of other powers by extending our possessions and setting the example of the gratification of a desire to seize upon new territories. But in this case in which our right to possess **more** than Port [Egmont] is disputed, and at least doubtful, it is very desirable to avoid such acts.*

I am at the same time very sensible of the inconvenience which may be felt by this country and of the injury which will be done to us if either the French or Americans should settle upon these islands, the former in virtue of any claim from former occupancy, the latter or both from any claim derived by purchase or cession from the government of Buenos Ayres.

*That which I would recommend is that the government of Buenos [Ayres] should be very quietly but very distinctly informed that **His Majesty has claims upon Falklands Islands** and that His Majesty will not allow of any settlement upon, or any cession to, individuals or foreign nations of these islands by Buenos Ayres, which shall be **inconsistent with the King's acknowledged right of sovereignty.***

I think that this is all that can be done at present. It will have the effect of impeding any settlement or cession by Buenos Ayres and as we may suppose that the French and Americans will hear of this communication they will not be disposed to act in contravention to it unless determined upon a quarrel with this country." [842]

"Wellington was aware of the weaknesses of Britain's claims. But the word "all" near the beginning of that quote is important – it implies that he did accept that Britain had at one time held sovereignty over at least part of the islands ..." [843]

July 26th, in Bueno Aires, elections for President are held. The result appears to favour the Unitarians – the party of Lavalle. [844] Rosas, a Federalist, and his army remain encamped some 20 miles from the city.

July 28th, in London, Sir Herbert Jenner's legal opinion is given.

"I am humbly of opinion that the right which this country acquired by the original discovery and subsequent occupation of the Falkland Islands cannot be considered as in any manner affected by the transactions, which occurred previously to the year 1774. So far from those rights having been abandoned they have always been strenuously asserted and maintained, particularly in the memorable discussions with Spain referred to in your Lordship's letter, which terminated in the restoration of the English Settlement and Fort which had been taken by the Spanish Forces.

842 *Despatches, Correspondence and Memoranda of Field Marshall Duke of Wellington KG* J. Murray 1877 vol.6 p.49. My emphasis.
843 Pascoe 2024 2nd edition vol.1
844 *London Courier & Evening Gazette* Friday October 9, 1829

The claim, therefore, to these Islands, now advanced by Buenos Aires, cannot be admitted upon any supposed acknowledgement or recognition of the right of Spain by this Country; if it is capable of being maintained on any ground, it must be upon the supposition, that the withdrawing of the British Troops in 1774, and the non-occupation of these islands since that time, amounted to a virtual abandonment of the right originally acquired, and that, being unoccupied, the Islands in question reverted to their original state, and liable to become the property of the person who might take possession of them. But I apprehend that no such effect is to be attributed to either or both of these circumstances.

The ***symbols of property and possession which were left upon the Islands sufficiently denote the Intention of the British Government to retain these right****s which they had previously acquired over them, and to reassume the occupation of them when a convenient opportunity should occur."* [845]

July 31st, in the Falklands, 18 sheep, shipped from Buenos Aires by *Betsey*, are landed at Long Island.

August 4th, in London, at the Foreign Office, Barrow writes to Hay; *"Our intention is to order our ships that pass Cape Horn to call at Port Egmont & assert our sovereignty of <u>that</u> Island at least."* [846]

August 8th, Lord Aberdeen sends instructions to Parish.

"The information contained in your dispatch of the 15th of March and 25th of April respecting the measures which have recently been adopted by the Government of Buenos Aires has engaged the attention of His Majesty's Government. It appears that the Republik (sic), attempting to execute the full rights of sovereignty over these Islands, has made grants of land, and has conferred exclusive privileges upon certain individuals to a term of years.

These acts have been done without deference to the validity of the claims which His Majesty has constantly asserted to the sovereignty of the Falklands; and it is therefore essential that the proceedings of the Republican Government should not be permitted to injure the rights of His Majesty.

Those Rights, founded upon the original discovery and subsequent occupation of the islands, acquired an additional sanction from the restoration by his Catholic Majesty of the British Settlement in the Year 1771, which in the preceding year had been attacked and occupied by a Spanish Force, and which act of violence had led to much angry discussion between the Governments of the two Countries.

It cannot be entertained that the abandonment of this Facility in the Year 1774 by the British Government is in any degree to be considered as … to invalidate His Majesty's just pretensions.

The Naval Force was withdrawn, and the settlement relinquished, in pursuance of a system of economical retrenchments adopted at that time, … the symbols of possession and property were left upon the Islands. When the Governor took his departure the British flag remained flying; and all those formalities were addressed which indicated the rights of ownership …(and) the intention to assume the occupation of the territory at a more convenient season. His Majesty's Govt are aware of the increased importance of those Islands.

The change in political condition of South America, and the nature of our relations with the various States … with the great extension of commerce in the Pacifik (sic) Ocean, will render mighty desirable

845 *Jenner to Aberdeen July 28, 1829 no.40 FO 83/2227* at *102-105.* My emphasis
846 *FO 6/499*

the possession of some secure points from where our shipping may be supplied and if necessary, refitted. In the event of our being engaged in War in the Western Hemisphere, such a station would be almost indispensable to its successful prosecution.

It is not in my power at the present moment, to inform you of the final determination of His Majesty's Government with respect to those Islands; and whether it shall be thought proper to resume possession of a settlement which had been extinguished for a time, although never abandoned.

The question is one of much delicacy, there being important consequences, and demanding therefore, the most mature deliberation. … in order to preserve entire the rights of His Majesty, and to prevent all injury from the proceedings of the Government of Buenos Ayres, you will inform that Govt of the existence of His Majesty's pretensions in their full force.

You may also give it to be understood that His Majesty will not view with indifference, nor can he recognise any cession of territory by the Govt. of Buenos Ayres, either to individuals or to any foreign nation, which shall be found incompatible with the just rights of Sovereignty to which His Majesty lays claim, and which have heretofore been exercised by the crown of Great Britain." [847]

"… it is not a question of rights; these only appear on the back of an issue that is fundamental for England: the possession of a point on the South Atlantic coast and through which the naval station in Rio de Janeiro can pass when circumstances so require." [848]

"While Woodbine Parish's despatch no. 34 of 26 June 1829 was still on its way to London with its copy of the Buenos Aires decree of 10 June 1829 establishing the comandancia in the Falklands, the British Foreign Office reacted to his earlier despatches of 15 March and 25 April, in which he had mentioned Louis Vernet's activities and his grant of land, and the intention of the Buenos Aires government to set up a penal settlement (presidio) in the islands. On 8 August Foreign secretary Lord Aberdeen drew up a despatch to Parish telling him that the government were now considering the question of the Falklands, and instructing him to inform Buenos Aires of Britain's claim to the islands." [849]

August 10th, in the Falkland Islands, Vernet distributes a *Circular* to vessels moored near Puerto Soledad.

> *"All masters of vessels engaged in the fisheries on any part of the coasts under (this) jurisdiction, will … desist, since a re-incidence will expose them to becoming a lawful Prize to any vessel of war belonging to the Republic of Buenos Aires, or to any vessel, which the undersigned may think proper to arm in use of his authority, for executing the laws of the Republic. The undersigned further warns against the practice of shooting cattle on the East Falkland Island, the same being private property, and however innocent the act may be in those that are not aware of the circumstances, it becomes of course highly criminal in those who wilfully persist in such acts, and renders them liable to the rigour of the laws in similar cases."* [850]

August 15th, Italian Julio Grossy, engaged as a fisherman by Luis Vernet, signs a contract to run the fishery. [851]

847 *Aberdeen to Parish No.5 August 8, 1829* in *FO 6 499*
848 Caillet-Bois 1982 (6th ed.) p.313
849 Pascoe 2022 vol.1 p.610
850 Quoted in Bernhardson 1989 pp.186 & 187 citing *Vernet, circular, August 10, 1829 AGN VII 2-4-1. cf.* October, 1830.
851 Pascoe 2024 2nd edition vol.1

August 16th, *Betsey* sails for Statenland, taking some of the settlers brought out to Puerto Soledad in July. The ship also takes one of Vernet's slaves. Their objective is to build a saw-mill to provide wood for the settlement on East Falkland. [852] After dropping off Vernet's workers, Matthew Brisbane is to take over the ship's charter for his rescue mission.

"Emilio said in his diary that on Sunday Aug 16, 1829 a ship from the colony left for the South Shetland (sic) and South Georgia islands to take the settlers of Buenos Aires destined for the first and three settlers and "one black" to chopping wood, a precious input that Malvinas lacked." [853]

August 24th, in Argentina, Lavalle and Rosas agree to dispense with the election results, and arrange; *"... a new form of Government. The senate to consist of 24 individuals, named by the Governor from the most distinguished class of the country. General Juan José Viamonte was declared Provisional Governor'..."* [854]

August 29th, at Puerto Soledad, using teams of horses, the settlers drag four cannon up from the beach. [855]

August 30th, María Sáez Pérez de Vernet notes in her diary; *"Very good Saint Rose of Lima day, so Vernet has decided to take possession today of the islands in the name of the government of Buenos Aires. ... I gave everyone a hat with two ribbons, the two colours that distinguish our flag."* [856]

At a ceremony, Luis Vernet announces the June 10 decree issued by the Province of Buenos Aires. Puerto Soledad is formally renamed Port Louis. [857]

> *"The political and military commander appointed by the Superior Government of Buenos Aires, in accordance with the decree of 10 June that I have just made public, has chosen this day (the) anniversary of Santa Rosa De Lima, patroness of the Americas, and to exercise again a formal act of Dominion that the Republic of Buenos Aires has over these Malvinas Islands, Tierra del Fuego and its adjacent and other territories from where the command of Patagonia ends, to Cape Horn; and to this end, the flag of the Republic has been inaugurated this day, greeting it in the best way that the nascent state of this population allows.*
>
> *The Commander expects that each of the inhabitants will at all times give subordination to the laws, living as brothers in Union and harmony so that with the increase of population that is expected and that the Superior government has promised to promote and protect a population born in its southern territory that honors the Republic whose dominion we recognize. Viva the Fatherland!"* [858]

*"... (the) Governorship and the Commandantcy of the Island was **reinstalled**, under salutes of artillery."* [859]

"... after claiming from each of them subordination and industriousness, making vows so that, in those territories, a population was born "that honors the Republic, whose domain we recognize", finishing with a ! Viva la Fatherland!, ... A witness, among others, observed the simple ceremony: it was the North American bergatin Betsy, Captain Oliver Keating, of Boston, which – in union with its crew – witnessed the act..." [860]

---

852 A first attempt, which appears to have failed.
853 Cirio 2019 p.22
854 *Public Ledger & Daily Advertiser* November 13, 1829
855 Unloaded from *Betsey*.
856 *AGN Fondo Luis Vernet. VII-141.*
857 A name in common use from at least 1826. Some inconsistency in later references employing Puerto/Port Luis, but then Vernet was inclined to use Luis, Louis or Lewis interchangeably.
858 *Ibid*. See also Marcelo Vernet 2011
859 Vernet 1832. Island singular. My emphasis.
860 Caillet-Bois (6th ed.) 1982 p.210 citing *Luis Vernet to the Ministro Secretario de Gobierno, Puerto de la Soledad, December 26, 1829. Betsy* had sailed for Statenland (Islas de Estados) on August 16th.

Mode of Lazoing Cattle in Buenos Ayres, Drawn for the Lady Ponsonby 1829 by Emeric Essex Vidal

"He made various changes to the names on the Islands; Puerto Soledad became again Puerto Louis and Bahia de la Anunciacion became Bahia Louis. Puerto Hermoso (later Port Stanley) became Puerto Williams." [861]

"In addition to Puerto Luis were... two smaller towns, called Rosas and Dorrego, located respectively in the gulf and port of Polacra and near the remote area of St. Augustine." [862]

September 3rd, Parish's despatch regarding the June 10th decree arrives in Britain. [863]

September 5th, at Port Louis, Emilio Vernet notes in his diary that he has made some paper money. [864]

September 12th, in Berkeley Sound, the *Paquete del Rio* (Anderson) arrives from Buenos Aires with the mail and a cargo of coal and turnips. [865]

September 17th, from London, Lord Aberdeen writes to Parish.

> *"Having in my despatch No. 5 of the 8th August 1829 fully explained to you the opinion of His Majesty's Government as to the rights of the Crown of Great Britain with regard to those Islands, I*

861 Bullrich 2000 p.100

862 Kohen & Rodriguez 2016. Based upon a fabrication by Argentine historian Antonio Gomez Langenheim (1939) who invented two settlements at the sites of modern Goose Green and Johnson's Harbour. See Pascoe (2020 pp.88-89)

863 Muffty 1986

864 AGN VII 141. A 'truck' system whereby tokens are given out in lieu of real money. These could usually only be exchanged internally, or at the company store. Of no value anywhere else.

865 Pascoe 2024 2nd edition vol.1

have now only to instruct you to address a note to the Buenos Ayrean Minister … protesting formally in the name of His Majesty against the terms of the above mentioned Decree, as infringing these just rights of Sovereignty over the Falkland Islands which His Majesty has never relinquished." [866]

A draft-Protest is enclosed. [867]

In the South Atlantic, on the same day, Brisbane takes over *Betsey*; sailing from Statenland for South Georgia.[868]

"The settlement at Port Luis was very useful for seamen of all nations… and an essential relief for the survivors of shipwrecks in those desolate areas. It is worth noting in this connection the rescue of shipwreck survivors in South Georgia. … One of the first recorded official activities concerning South Georgia is the dispatch, by Political and Military Commandment of the Malvinas Commander of the Falklands/ Malvinas [sic!], Luis Vernet, of a team to rescue castaways who found themselves in South Georgia. This happened between August and October 1829." [869]

"… the rescue was organised by the British Consul-General Woodbine Parish, more than three weeks before Vernet was appointed Civil and Military Commandant of the Malvinas; it was financed by the British government, and Vernet's role was merely to transfer part of his charter to Brisbane (i.e. from Statenland to South Georgia and thence to the Falklands). Vernet had chartered the ship for a round trip: Buenos Aires – Falklands – Statenland – Falklands – Buenos Aires, but the rescue meant he did not have to pay for the third leg from Statenland to the Falklands (including the diversion to South Georgia), which was paid for by Britain, so it saved him money." [870]

September 25th, from Buenos Aires, Woodbine Parish writes to Luis Vernet; rejecting the invitation to invest in a colony on East Falkland Island, made on June 19th.

"I feel persuaded that your colony will be one of much use to our trade round Cape Horn, and I shall not fail to avail myself of any occasion to give that as my opinion to His Britannic Majesty's Government, which I shall be very glad to find is of any service to you." [871]

"I shall take an interest in your progress, I shall always be happy to know of it and of your welfare, whenever you have any opportunity of writing to Buenos Ayres." [872]

"H.M.'s Representative Sir Woodbine Parish wished me heartily good success in my undertaking, considering that it would be very useful to the Commerce around Cape Horn… Not the slightest objections were raised against my undertaking by the British Government." [873]

"On that occasion and responding to Vernet's request, he told Vernet that he would take every opportunity to let S. M. B. know his opinion of the Colony." [874]

---

866 *FO 6/499 (draft) and FO 78/1/43*

867 *FO 78/1/45 – 47*

868 Contrary to the distortions of some Argentine authors, the voyage to South Georgia was a rescue mission organised and paid for by the British Consulate in Buenos Aires. It was not an act of sovereignty on behalf of Buenos Aires.

869 Kohen & Rodriguez 2016 p.163 & p.260. Not true.

870 Pascoe 2020 p.104

871 *Parish to Vernet September 25, 1829. AGN VII 129 doc.74.* There is no copy in the British archives, probably because Parish saw it as private correspondence. A brush off, nonetheless.

872 Paris quoted in *Vernet to Labouchere December 1856* in *CO 78/43.* Also *AGN VII 129 doc.74*

873 *Vernet to Earl of Derby April 26, 1858* in *CO 78/43. cf.* 1829, 1856 & 1858

874 Caillet-Bois 1982 (6th ed.) p.227 fn.28

"It was ludicrous to imagine that a British consul could invest as a private individual in what Britain regarded as British territory, under the auspices of a government whose rights in that territory Britain denied. So it was natural that Parish politely declined to become involved, in his reply of 25 September 1829." [875]

In Argentina, General Lavalle departs the city of Buenos Aires.

> *"The Federalists acquired the ascendency in August, and accounts received to the end of September, intimate that they are fully established in the Government, General Lavalle and other leading men in the party of the Unitarians, being about to go abroad, in a kind of honourable exile."* [876]

Woodbine Parish assists General Rosas in devising the appointment of a permanent Government. [877]

"Mr. Parish confessed to Baylies - "he was a friend of the Federal Party and they consulted him a lot." ..." [878]

"At the conclusion of the civil war of 1828–1829, the standing of the British in Buenos Aires bore no resemblance to that of a few years earlier. Trade had slumped and investment in loans, mines and colonisation halted." [879]

At Port Louis, on the same day, an American sealer *McDonough* (Montague) anchors near the settlement.

October 2nd, from Washington DC, US Secretary of State, Martin Van Burren, writes to the newly appointed US Minister in Spain, Cornelius Van Ness; *"... The contest between Spain and her former colonies must now be considered as at end; yet, still entertaining vain hopes of reconquering them, she withholds her acknowledgement of an independence which has long since been recognized by the most powerful and influential Governments of Europe,.."*

In Spain, Spanish historian, Don Mariano Torrente, in a detailed consideration of the nation's colonies, notes the extent of the Spanish monarch's dominions in America.

> *"The King's possessions in America occupy an immense plot that extends from 41° 43' lat. S. to 37° 48' lat. N..."* [880]

October 19th, at Port Louis, Brisbane arrives back in *Betsey* having rescued survivors of the wreck of *Hope* that he'd been forced to leave behind on March 7th, 1829. [881]

"A pending claim on the British Government for amount of aid furnished by the Colony to deliver from South Georgia the shipwrecked crew of the English Schooner Hope, ... $250." [882]

October 25th, one of Vernet's indentured slaves, Antonio, known as the 'foreman of the blacks' marries another of the slaves, Marta. [883]

---

875 Pascoe 2020 p.105

876 *Dublin Evening Packet & Correspondent* Thursday December 17, 1829

877 Kay-Shuttleworth (1910 p.358) speaks of a genuine friendship between her grandfather and Rosas. After Rosas fled to England in 1852, Parish visited him in exile. *cf.* 1852

878 Caillet-Bois 1982 (6th ed.) p.318

879 Rock 2018 p.79

880 *Historia de la Revolucion Hispano-Americaux* M. Torrente 1829. His use of the present tense reveals that the Spanish King had still not abandoned his claims to those possessions. *41° 43' lat. S* was the southern limit of the Viceroyalty de la Rio de la Plata. The Falklands sit at *51° 68'. cf.* 1740

881 See April, 1828 & May, 1829. Pascoe (2020 p.107) notes that one man had lost both feet due to frostbite.

882 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833). This additional charge is not explained.

883 Cirio 2019 p.7

"Maria (Vernet) says the couple swore fidelity before four witnesses and their godparents, and signed a contract, which they undertook to get confirmed by the church in Buenos Aires." [884]

November 1st, at Port Louis, American sealer *Superior* anchors. Capt. James Nash is taken ashore in ill-health.[885]

November 9th, *Betsey*, still under charter to Luis Vernet, sails for Buenos Aires with a cargo of hides and salted beef. Some of the men rescued by Brisbane go with her; *"... the Betsy (sic), on its return journey, was carrying a shipment of timber valued at approximately two thousand strong pesos and 117 quintals of fish ..."* [886]

November 10th, an unidentified slave at Port Louis dies of 'gout'. [887]

November 18th, in Buenos Aires, Woodbine Parish receives Lord Aberdeen's instruction of September 17th, together with the draft-protest. [888]

November 19th, Parish presents a Diplomatic Protest Note to the Foreign Minister, General Tomás Guido.

> *"The undersigned H.B.M. Charge d'Affaire has the honour to inform H.E. General Guido the Minister charged with the Department of Foreign Affairs that he has communicated to his Court the official document signed by General Rodriguez and Don Salvador Maria del Carril, in the name of the Government of Buenos Ayres, and published on the 10th of June last, containing certain Provisions for the Government of the Falkland Islands. The undersigned has received the orders of his Court to represent to H.E. General Guido that in issuing this decree, an authority has been assumed incompatible with His Britannic Majesty's rights of sovereignty over the Falkland Islands.*
>
> *These rights, founded upon the original discovery and subsequent occupation of the said islands, acquired an additional sanction from the restoration, by His Catholic Majesty, of the British settlement, in the year 1771, which, in the preceding year, had been attacked and occupied by a Spanish force, and which act of violence had led to much angry discussion between the Governments of the two countries.*
>
> *The withdrawal of His Majesty's forces from these islands, in the year 1774, cannot be considered as invalidating His Majesty's just rights. That measure took place in pursuance of a system of retrenchment, adopted at that time by His Britannic Majesty's Government. But the marks and signals of possession and property were left upon the islands. When the Governor took his departure, the British flag remained flying, and all those formalities were observed which indicated the rights of ownership, as well as an intention to resume the occupation of that territory, at a more convenient season. The undersigned, therefore, in execution of the Instructions of his Court,* ***formally protests****, in the name of His Britannic Majesty, against the pretensions set up on the part of the Argentine Republick (sic), in the decree of 10th June, above referred to, and against all acts which have been, or may hereafter be done, to the prejudice of the just rights of sovereignty which have heretofore been exercised by the Crown of Great Britain."* [889]

---

884 Pascoe 2022 vol.1 p.607 citing Maria Vernet's diary

885 Nash recovered from whatever he was suffering from and returned to his ship in January, 1830.

886 Caillet-Bois 1982 (6th ed.) p.220. The timber had, presumably, been cut in Statenland.

887 Cirio 2019 p.7. Maria Vernet records a number of the slaves ill around this time. Two more dying in December.

888 Parish would seem to have received the August 8 letter from Aberdeen just a few days before this letter arrived in Buenos Aires. Acknowledged in *Parish to Aberdeen November 14, 1829* in *FO 6 499 fol.33*

889 *FO 6 499 fol.33*. My emphasis.

"In November 1829 the British Consul-General protested against this decree; but inasmuch as by this time, in our opinion, Great Britain no longer had any claim to the Falkland Islands, we find that this protest on behalf of Britain had no justification in law which could result in its having any effect upon the status of the Falklands." [890]

"One cannot help but imagine the amazement that must have been painted on the faces of the Buenos Aires ministers when they received the document in question from the Chargé d'affaires of S. M. B." [891]

"We are convinced that the amount of activity by M. Vernet initially was in his private capacity. He paid no taxes, and he received no assistance from the government in Buenos Aires until 1829, when he was formally appointed Governor of the Falkland Islands, by decree, in Buenos Aires. That, of course, was one to which we made an immediate protest, reverting to the fact that the Islands were British." [892]

"The text of Parish's protest was closely based on the instructions from Lord Aberdeen on 8 August, before Britain knew about the comandancia decree of 10 June." [893]

November 20th, at the Falkland Islands, American sealer *Elizabeth Jane* (Brooks) out of New York, hunts.

November 25th, in Buenos Aires, Tomas Guido acknowledges receipt of the British protest. [894]

> *"The Undersigned Minister for Foreign Affairs has received and laid before His Excellency the Governor the communication which HMB's Charge de Affaires Mr Woodbine Parish has been pleased to address to him under date of the 19th November, protesting against the Decree issued on the 10th of June last, appointing a Political and Military Commandant for the Falkland Islands. The Government will give their particular consideration to this said note from Mr Parish, and the undersigned will have the satisfaction of communicating to him their resolution upon it, as soon as he receives orders to do so."* [895]

"In Nov 1829 Sir Woodbine Parish was ordered to protest, (not against my own private undertakings,) but against the act of sovereignty which the Govt. of Buenos Ayres had exercised in appointing an official authority over the Falkland Islands,..." [896]

"According to all forms of law, (the protest) did nothing but renew a discussion silenced and forgotten during the space of more than half a century. It is true that the Minister of the Republic, surprised by a claim of this

---

890 *Opinion of the Law Officers 1947* in *LCO 2/490.* Sadly, the historical information provided by the Foreign Office was flawed by omissions. *cf.* December, 1946, January, 1947 & 1966.

891 Caillet-Bois 1982 (6th ed.) p.314

892 Legal Adviser to the FCO 1976-1984, Sir Ian Sinclair QC quoted in *The Little Platoon* Michael Charlton 1989 p.4

893 Pascoe 2022 vol.1 p.612

894 Caillet-Bois (1982 (6th ed.) p.314 fn.24) suggests that the acknowledgement was at the specific request of Woodbine Parish, although he offered no evidence for that. An acknowledgement should, after all, have been a formality.

895 *FO 6/499* and *FO 78/1/53.* The governor was Juan José Viamonte, who had taken over after the fall of Lavell, until elections could be arranged. Arranged to elect Rosas to the governorship. Britain had had no cause to protest with regard to the Falklands since 1770. The convention of 1771 had reinstated the status quo of 1769, i.e. Britain in Gran Maluina (West Falkland) and Spain on Soledad (East Falkland). Nothing had occurred after 1774 to require a protest by either side. Minor encounters between sealers and Spanish ships simply never warranted any action. And there were no reports of complaint following the 1790 Nootka Sound Convention. In 1829, Buenos Aires was the first to challenge a status quo that had been in place for 58 years. That the protest was accepted without objection seemed to settle the matter. Buenos Aires would later claim that they considered the question to be '*pending,*' but there was no indication of this in 1829.

896 *Vernet to the Earl of Derby, April 26, 1858* in *CO 78/43*

kind, that there was no idea (such) could exist from the Government of His Majesty, limited himself to acknowledge the receipt of the protest, and to offer an express reply ... it is not known whether (an answer) was demanded or urged by the diplomatic agents of His Majesty." [897]

"... no answer was made to it, and it was kept entirely secret by the Government." [898]

"In his acknowledgement of receipt, the General the Minister for Foreign Affairs, in the ephemeral administration of Viamonte, showed the provisional government, (was) too busy to "pay particular attention" to Mr. Parish's note, ... These times of trouble and calamity, .., the wonder is not that the answer was not long, but that the minister of the day had the leisure to announce it. The protest fell into a void, and after eight days nobody thought of it,.." [899]

"... despite the concern caused by the events of internal politics, the Minister Secretary of Foreign Affairs, Tomás Guido, upon acknowledging receipt, declared that the Government would give "particular consideration to Snr. Parish's note." He thus announced a response that would never see the light, not because of the laziness of the men of government, but because of the vertiginous events of those years in which unitarians and federalists played their last card." [900]

December 3rd, at Puerto Louis, one of Vernet's indentured slaves, Gregoria, dies of a fever. [901]

December 5th, from Buenos Aires, Parish informs London of his action.

> *"... I herewith enclose for your Lordship's information the Copy of an Official Note which on the following day I presented to General Guido the Minister Encharged with the Foreign Department, protesting in His Majesty's name against the Pretensions set up on the part of the Argentine Republick to those Possessions. Having explained at the same time generally to the Minister the tenor of my communication, he promised to give his immediate and serious attention to the subject:- I requested that He would be so good in the meantime to acknowledge officially the Receipt of my Note, which he did on the 25th as your Lordship will see ..."* [902]

"I have it from what I consider good authority, that soon after the Protest was presented, the English Charg6 d'Affaires here attempted to make some arrangement, touching the Islands, with this Government; which, however, did not succeed." [903]

December 6th, Juan Manuel de Rosas is sworn in as Governor and Captain-General of the Province of Buenos Aires by the House of Representatives.

> *"A letter has been received from the agent to the North and South American Coffee-house, dated Buenos Ayres, Dec 12, 1829 the substance of which is as follows:- After stating that the old legislature of that province was reinstated on the 1st of December, it mentions the appointment of Don Juan*

897 Areco 1885 p.68
898 Greenhow 1842. *cf.* 1832 & 1833
899 Groussac 1910 p.22
900 Caillet-Bois 1982 (6th ed.) p.314
901 Cirio 2019. Not Gregoria Madrid.
902 *Parish to Aberdeen December 4, 1829* in *PRO FO 6/499*
903 *George W. Slacum, United States Consul at Buenos Aires, to Edward Livingston, Secretary of State of the United States December 20, 1831* in *Diplomatic Correspondence of the United States: Inter American Affairs 1831-1860* William R. Manning 1932 vol.1 Argentina. Slacum was reporting rumour. There is no evidence that Parish entered into or attempted any negotiation. Caillet-Bois (1982 (6th ed.) pp.314-315 fn.25) implies that Parish attempted to come to some financial arrangement with Buenos Aires. Again, no evidence was offered. *cf.* January 18, 1833

Manuel Rosas as Governor, Don Tomas Guido as minister for foreign affairs, Don Manuel Garcia for the financial department, and Don Juan Romoso Balcarce for the war and marine." [904]

"In late 1829 Rosas became governor of Buenos Aires, greeted as a savior after two years of anarchy. The legislature of Buenos Aires, the junta de representantes, bestowed upon him "extraordinary facilities"... unbridled dictatorial powers... accurately depicted as the embodiment of the Federalist caudillo, a conservative autocrat dedicated to the aggrandizement of his own province and to its ranchers and saladeristas. For Rosas all other concerns were secondary, to be ignored, circumvented, or obliterated." [905]

"Rosas was a classic "caudillo" or South American local leader – charismatic, strong-willed, secretive, dictatorial, ruthless and unscrupulous, but he stood head and shoulders over all his rivals." [906]

Governor Rosas, declares the Lavalle administration as having been "*intrusive*." All its proceedings are disavowed. [907]

"... the Decrees, in virtue of which Vernet pretended to act, had emanated from an intrusive and illegal authority, and had never been acknowledged by the constitutional powers of the State, but had, on the contrary, been annulled ..." [908]

"It has been affirmed, without evidence, that all the legislation passed by the Lavalle administration of 1829 (and this included the Decree of the 10th June, 1829) was disavowed by the Rosas Government which followed. The ***Registro Nacional shows only that certain of those decrees were annulled by Rosas****; these do not include the vital Decree of the 10th June. Although, then, the validity of the proceedings of the Buenos Airean Government in the Falkland Islands prior to 1829 is open to question, the Buenos Aires Decree of 1829 must be accepted as the legal act of the Government of a country whose independence had been recognised by both the United States and Great Britain."* [909]

"... the famous decree – given by the "intrusive Government," perched in power by the riot of December 1 – had no value, because the opponents, when overthrowing the unitary faction, declared the actions of this faction ***void****."* [910]

"... (the UK) cannot invoke the "nullity" of the decrees passed to create the Political and Military Command and to appoint Vernet. Firstly, there was no such nullity, and even if it had been declared by the subsequent government, it would not be opposable in the international sphere by virtue of the principle of continuity of the State. Secondly, because the government that followed that which issued the decrees on June 10th, 1829, including Rosas', continued to act in accordance with the content of those decrees... Thirdly, if the decrees were hypothetically null and void, the only State that could invoke such nullity would be Argentina..." [911]

---

904 *Globe* Friday February 26, 1830

905 Rock 1987 p.104

906 Pascoe 2022 vol.1 p.613

907 Greenhow 1842. Also Field 1928 para.64. Having sailed the week before, it would be some time before Vernet became aware of events in Buenos Aires.

908 *Ibid.*

909 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*. My emphasis.

910 Caillet-Bois 1982 p.206. My emphasis. It is rare to find an Argentine historian acknowledging this inconvenient fact. That said, Caillet-Bois goes on to argue that subsequent events and correspondence between Vernet and the government in Buenos Aires effectively "*ratified*" his position as military commander.

911 Kohen & Rodríguez 2017 p.116. A lawyer's answer.

December 10th, at Port Louis, a child, Daniel, is born to one of Vernet's indentured slaves, Francisca.

"Daniel. He was born on Dec 10, 1829 from No.22, Francisca and unknown father. Born at 5 o'clock "mulatito". He left for Montevideo in 1832 imprisoned in the Lexington and from there to Patronage of Buenos Aires, where Vernet claimed him as a servant." [912]

December 12th, *Betsey* returns to the Falklands.

At South Georgia, *Pacific* (Capt. James Brown) hunts for seals; *"... but could only obtain 256 fur seal skins and 1800 gallons of elephant seal oil before leaving in March 1830."* [913]

December 15th, one of Vernet's indentured slaves, Julia (14 yrs), dies after a few weeks of illness. [914]

December 18th, at Port Louis, an American sealer, *Belleville*, out of Massachusetts, arrives. Two of the owners are aboard, Nehemiah Bray commanding, and Henry Metcalf.

Warned about Vernet's sealing regulations, Capt. Bray does not mention that he has left two sealing parties of six seamen hunting around the archipelago in two boats – *Black Prince* and *General Jackson*. [915]

"Bray told no one at Port Louis about those men – to him the islands were open to all; he was happy to cooperate with Vernet but did not see him as possessing any kind of monopoly." [916]

December 26th, Luis Vernet writes to inform the provincial government of Buenos Aires of all he has been achieved since his return to East Falkland Island. He again reminds that government that fishing regulations need to be enforced, not least because the foreign sealers hunted when the seals were calving; *"... which, if it is not prevented, will in a few years destroy the species."* [917]

"He therefore asked to be provided with a small warship, ten or twelve huntsmen, and as many cavalry men."[918]

Betsy sails with a cargo of salt fish for Buenos Aires. Vernet's brother-in-law, Loreto Sáez, leaves the island with Betsy, carrying Vernet's correspondence. [919]

December 27th, from Port Louis, Matthew Brisbane pilots *Belleville* around to Salvador Water.

912 Cirio 2019 p.9. Father's name not stated.
913 Dickinson 2007 p.67
914 Cirio 2019 p.9. Described as the servant of Maria.
915 Information provided by Graham Pascoe and Peter Pepper. *cf.* 1830, 1831 & 1833
916 Pascoe 2020 p.110
917 *Luis Vernet al Ministro Secretario de Gobierno 26 de deciembre de 1829* in Caillet-Bois 1982 p.210. When this was written, it is unlikely that Vernet would have been aware of the change of regime in Buenos Aires.
918 Caillet-Bois 1982 (6th ed.) p.233.
919 The eventual response from the Provincial Government of Buenos Aires was equivocal; referring only to the *"difficult circumstances*" in which the country found itself (Caillet-Bois 1982 p.235). This may be an indirect reference to the protest submitted to the Buenos Airean Government by Woodbine Parish only some 4 weeks before. Sadly, Caillet-Bois provided little detail of the government's response and I am unable to identify its author. *cf.* February, 1830 & March, 1832

Port Louis 1829 by Luisa Vernet

1830 – January 9th, at Port Louis, one of Vernet's indentured slaves, Setiembre, dies after being taken ill. [920]

In Buenos Aires, Loreto Sáez, arrives with the report from Luis Vernet informing the government of his progress; together with a request for the means to enforce his fishing regulations.

> "*The official report that I brought to the Government of the Province for His Excellency of the Political and Military Committee of that place,..*" [921]

"... (Vernet) demanded... a small ship of war, ten to twelve hunters, and as many men of cavalry." [922]

January 11th, at Port Louis, American sealer *Hope* (Keane) anchors. [923]

January 16th, from Port Salvador, American sealer, *Belleville* (Bray) returns to Port Louis. [924]

January 19th, at New Island, American sealer, *Elizabeth Jane* hunts seals. [925]

January 20th, American sealer *Superior* returns to Port Louis to pick up Capt. Nash. [926]

920 Cirio 2019 p.7
921 Letter by Loreto Saez dated February 10, 1830. Recipient of the letter is not known. *cf.* 1826 & 1829
922 Caillet-Bois 1982 p.210
923 Pascoe 2022 vol.1 p.624
924 Port Salvador is on the north coast of East Falkland Island. *cf.* 1829
925 Pascoe 2022 vol.1 p.625. New Island is in the west of the archipelago. A favourite resort of American sealing ships.
926 Nash had, presumably, recovered from his illness. See November, 1829

January 30th, Luis Vernet charters the sealer *Belleville,* for a voyage to Statenland (Isla de los Estados) with supplies for those men cutting timber there. [927] The ship is then to take a cargo of salted fish to Brazil. Matthew Brisbane is to go with the vessel, to ensure that Vernet's fishing regulations are enforced at Statenland. Also to hand out copies of Vernet's circulars whenever the opportunity presents itself.

> *"Sir, I hand you the decree pass'd by the Buenos Ayrean Government, which authorises me to see the Laws executed on this coast. You will please to shew the same to all masters of fishing Vessels as also my notice on the subject, allowing them to take a copy of the same if the wish it.*
>
> *Be particular in making it known, that none may plead ignorance, or complain of being taken by surprise..."* [928]

"... he possessed no authority recognised by any other country, and the United States and Britain had long-standing rights in the area that he could not simply abolish. Both countries had customary rights derived from 65 years' presence on the Patagonian coast and around the Falklands, and Britain had in addition rights deriving from the 1771 Anglo-Spanish agreement (in which Spain had tolerated Britain's claim to the Falklands) and the Nootka Sound Convention of 1790, in which Spain had accepted that Britain (but no other country) had extensive rights of exploitation including "fishing" (i.e. mainly sealing) in a vast area of the Patagonian coast and in most of the Falklands, and the right of settlement in parts of those areas..." [929]

February 5th, at Port Louis, a daughter, Matilde, is born to Luis Vernet and his wife. [930]

February 7th, *Belleville*, under Capt. Nehemiah Bray, sails. En-route to Statenland, the ship is first to drop off stores around East Falkland Island.

February 10th, at Choiseul Sound, Emilio Vernet embarks on *Belleville*. On board, he writes to his brother, Luis, to congratulate him on the birth of a daughter and to bemoan the lack of cattle in that area. [931]

February 11th, Emilio Vernet hands his letter to William Dickson to take overland to Port Louis.

> *"He is a miserable fellow and not to be trusted with any work at all. ... In addition he is getting extraordinarily coarse and always gives impertinent answers when I asked about something or told him to do something."* [932]

February 18th, *Belleville* sails from the Islands with Brisbane as pilot.

"Meanwhile, the Belleville's detached parties had been sealing around the western Falklands in the two boats, General Jackson and Black Prince." [933]

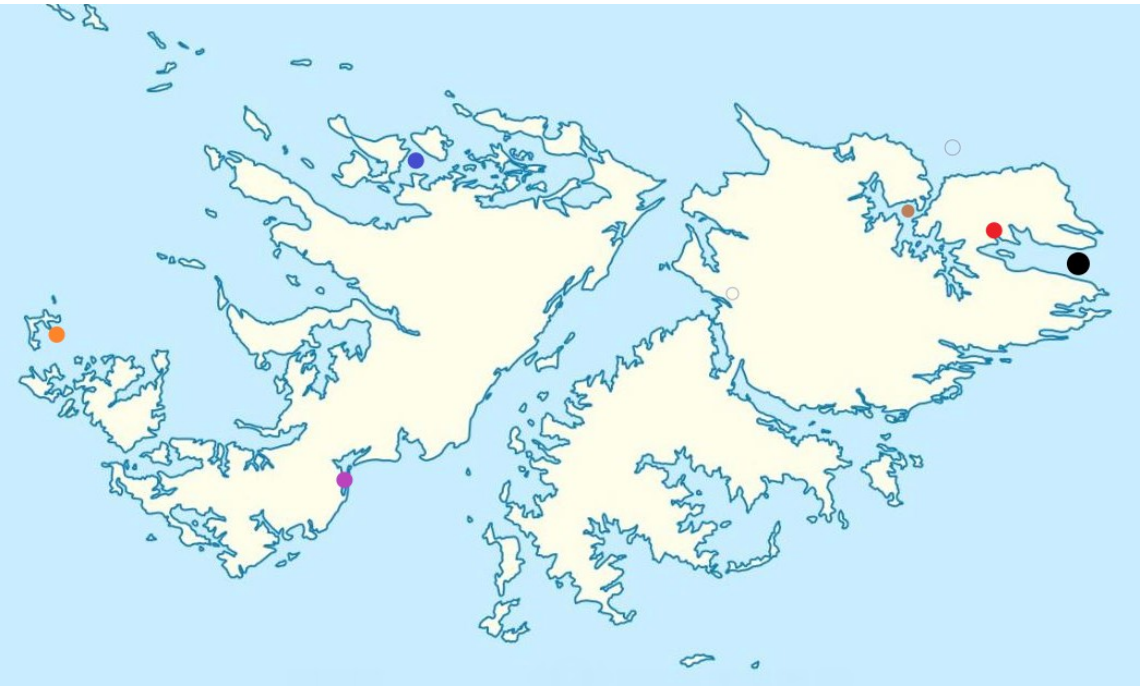
February 22nd, on the eastern coast of Tierra del Fuego, *Belleville* is wrecked. All the crew manage to get ashore, with sufficient materials to build a shallop; but with little in the way of food.

"The schooner Belville (sic) that was shipwrecked on the easternmost point of Tierra del Fuego broke into pieces; of these the crew built a little boat that took them two months, without experiencing the least nuisance

---

927 Chartered for 750 Spanish Dollars per month. Bray had left at least two sealing crews hunting around the islands, in defiance of Vernet's edicts. It is unclear whether Vernet was aware of this, although Brisbane almost certainly was.
928 *Vernet to Brisbane February 3, 1830* in *AGN VII, 132, doc.80.*
929 Pascoe 2020 p.110
930 Nicknamed Malvina. The Vernet's fourth child, but not the first child to be born in the islands. *cf.* 1764-1767
931 English translation from the original German in full in Pascoe 2022 vol.1 pp.619-620
932 *Emilio Vernet to Luis Vernet February 10, 1830* in *AGN VII 132 doc.81*
933 Pascoe 2022 vol.1 p.624

of the natives, ... Among more than two hundred men with whom they communicated there was not one who pronounced a word of Spanish or any other known language." [934]



Black: Berkeley Sound. Red: Port Louis. Brown: Port Salvador. Blue: Port Egmont. Orange: New Island. Mauve: Port Edgar.

In **March**, in the Falkland Islands, at Port Edgar, while en-route from Cape Horn to Rio de Janeiro, HMS *Eden* is forced to shelter.

"... a beautiful port, having many advantages for a settlement, with abundance of water, peat, good soil, and stock. The depth of water, in the middle of the entrance, is 18 fathoms; ... that a convenient port is much wanted on the southern coast of the West Falkland island; for ships are frequently caught in furious southern gales, in rounding the Horn, and sometimes suffer much injury. Such a port as that of Edgar would not only afford such shelter, but is convenient to start from, with the first of a North or N. W. wind, which would carry them clear round. It would answer much better as a private speculation, in the hands of an independent company, and being a free port, than as a public concern." [935]

At San Salvador, American sealer *Harriet* anchors. Capt. Gilbert Davison walks to Port Louis.

> *"... he lived a few days with me, he was well instructed by me of (all) the details concerning the exclusive right of the fishing which belonged to the Colony, (and the) penalty incurred by the vessels fishing, and everything else that interested him to know. I begged him not to return again (as) I would put myself in the dire need of taking the ship and cargo from him."* [936]

"Vernet grumbled that in March 1830, with a cargo of Falklands sealskins on board, her crew had sold "a quantity of old bread and moth eaten clothes" to the settlement in return for hides, and got the price they

934 *AGN FONDO Luis Vernet VII-129, doc.90.* Emilio Vernet's own account, as related by Robert Fitzroy in 1839, suggests that the natives were very troublesome, often turning up in armed bands and trying to steal what little food the survivors had. See May 30, 1830, below.

935 Capt. W. F. W. Owen, commanding HMS *Eden*, quoted in *Nautical Magazine* 1832 p.397

936 Vernet quoted in Caillet-Bois 1982 (6th ed.) p.237

demanded, which Vernet thought was excessive. Vernet says her captain was allowed to depart unmolested, on promising (according to Vernet), not to go sealing again in the Falklands. We only have Vernet's word for it that the promise was ever made, and Vernet wrote his account later in an effort to justify his behaviour. The American sealers no doubt said whatever was required, just to get rid of him – in their view his claim to own the place was ridiculous, and they had no intention of accepting his authority." [937]

April 2nd, at Tierra del Fuego, the survivors of *Belleville* launch the shallop they have built, named *Matilde*.

April 5th, in England, the *Hampshire Telegraph* reports:

> *"It has been confidently told us that the Seringapatam frigate, on the Brazil station, has been ordered to take possession of the Falkland Islands, as a British settlement, on the plea that they do not now belong to any power. For its excellent harbour and good water, it will be highly beneficial to our shipping, as a place of rendezvous, and for refreshment."* [938]

At the Falkland Islands, American sealer *Alonzo* hunts. [939]

April 9th, at Port Louis, British sealer, *Adeona* (William Low) anchors. [940]

"... I hereby certify unto whomsoever it may concern that in the month of January 1830 I sailed from London in command of the English Brig Adeona on a sealing voyage to the south seas, and that upon my arrival at the Falkland Islands on my way out I received from Mr. Vernet a printed paper warning me against fishing or sealing on the said islands..." [941]

"He left again on 20 April for the Strait of Magellan on another profitable sealing voyage. Two years later, he stated that on his visit in 1830 he had been warned against sealing in the Falklands, though one is entitled to take that statement with a pinch of salt." [942]

April 20th, *Adeona* sails for the Strait of Magellan.

April 30th, *Maria Antonia* (Brock) arrives at Port Louis, carrying supplies for Statenland. [943]

May 1st, from Tierra del Fuego, *Matilde*, finally gets out to sea. Bound for the Falkland Islands.

May 7th, after a voyage of some 185 nautical miles, the *Belleville* survivors sight land.

May 8th, at Port Louis, one of Vernet's indentured slaves, Carmen, gives birth to a boy. [944]

May 17th, the *Belleville* survivors arrive at East Falkland Island, where they get ashore at Pleasant Harbour and take time to recover.

---

937 Pascoe 2022 vol.1 p.624

938 Picked up by a number of English and foreign journals. HMS *Seringapatam* was actually far out in the Pacific Ocean at Pitcairn Island on March 15, 1830, albeit at sea again on April 19. Part of Britain's small fleet at Rio de Janeiro, but based principally on the Pacific Coast of Chile. There is no evidence that this ship went to the Falklands, or was ordered to do so.

939 Pascoe 2022 vol.1 p.625

940 *Ibid*. p.623. An experienced captain and sealer, Low had had a long association with the Falkland Islands.

941 *William Low to Matthew Brisbane* May, 1832 in *AGN VII, 129, doc.112*

942 Pascoe 2022 vol.1 p.623. By 1832, Low was working in some small capacity for Vernet.

943 *Ibid* p.624. Described as a "*National Brig*".

944 Cirio 2019 p.9. Child described as '*mulatillo*' so, presumably, a boy. Father not named. No name given for the child.

May 24th, at Port Louis, Emilio Vernet notes in his diary; *"Good weather with little SW wind. Aniseto, Simon and Gosell came from Long Island with horses and bulls to play the next day. They also brought a cow for the same. We also started to do a puzzle and we put up a stick to climb up. A peat gown was lowered."* [945]

May 25th, Emilio Vernet's diary notes; *"Showers, often snow with east wind. We fired 5 cannon shots at sunrise as many at noon and the sun entering (setting). The fun did not take place due to bad weather. At night they danced. Captain Brake and I work fireworks that we lit tonight. The cow brought from Long Island was slaughtered."* [946]

May 26th, Emilio Vernet's diary notes; *"Good weather with SW wind. The ring was played and Sanchez rode a bull. At night there was a black and white dance. Ansieto dressed as a woman. A peat gown was bought."* [947]

May 29th, at Port Louis, Gregorio Sánchez Santiagueño (28) and Victoria Enriques (23) marry. [948]

"... there were other children born under the Argentine flag. One of the children born was the son of Gregorio Sánchez and Victoria Enríquez, whom Vernet married on May 29, 1830, celebrating the first civil marriage in Argentina (sic), since the islands did not have ecclesiastical authorities." [949]

May 30th, survivors of the *Belleville* wreck, including Matthew Brisbane, arrive back at Port Louis. [950]

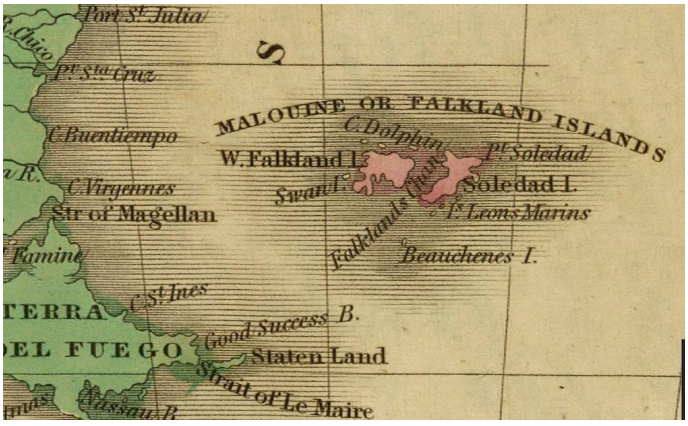
"The journey was quite an odyssey, as the boat was about to sink with her crew. Of the Belleville staff (officers), only Bray and Metcalf, one of the owners of the wrecked ship, settled in the colony." [951]

June 7th, at Port Louis, *Matilde* is sold by auction. [952]

Belleville's sealing crews in *Black Prince* and *General Jackson,* now working around West Falkland, hear of the ship's fate. The majority decide to continue hunting on their own behalf.

"The membership of the two boat's crews was fluid, to say the least. Some men left and joined the crews of American sealing ships, while conversly some crewmen deserted from ships and joined the boat's crews..." [953]

In Philadelphia, John Grigg publishes a chart of the United Provinces, Chile and Patagonia (detail right).



June 15th, *Maria Antonia* (Brock) sails for Statenland to resupply the woodcutters that Vernet has there. [954]

945 Translation by the Malvinas Museum
946 *Ibid.*
947 *Ibid.*
948 In a civil ceremony, as there was no priest on the Island. Pascoe (2022 vol.1 p.623) gives the groom's name as Juan Gregorio Sánchez, noting that he had accompanied Vernet out to the islands in 1826.The couple were deported by the USS *Lexington* in January, 1832. See below.
949 Cirio 2019 p.11
950 Caillet-Bois 1982 p.223 fn.22
951 *Ibid.* Bray had also owned a share in the vessel.
952 Luis Vernet being the highest, possibly the only, bidder.
953 Pascoe 2022 vol.1 (Kindle edition)
954 No date of arrival at Statenland, but the woodcutters – who had been without supplies for two months, refused to remain. Taken off, and returned directly to Buenos Aires.

American sealer, *Sea Nymph,* hunts at the Falklands.[955]

June 26th, in England, King George IV dies. Succeeded by his brother William IV.

July 11th, at West Point Island, American sealer *Thaddeus* (Cutler) commences hunting seals. [956]

August 10th, in the US, the *National Gazette of Philadelphia* publishes a report regarding the Port Louis settlement.

"L. Kumbhaar of Philadelphia was undoubtedly one of (Vernet's) most effective agents. He sent him all sorts of information, in addition to maps that he was responsible for printing to ensure greater dissemination. Thus, for example, in the National Gazette of Philadelphia of August 10, 1830, one of the reports sent by Vernet or his brother was published,.." [957]

August 12th, from Stonington, Connecticut, American sealers *Breakwater* (Carew), *William* (Wilbur), *Harriet*, (Davidson) and *Free Gift* (Hall) sail for Patagonia and the Falklands. Via the Cape Verde islands to take on salt.[958]

> *"I shipped on board the schooner Break Water a fore and aft schooner of about 90 tons, Manned by the following named crew. Capt Daniel Carew of Stonington, first mate Oliver York, of Stonington Second mate, Mr Coffin, of Stonington third mate, Robert Sutton, of Stonington. Steward, Matthew Flores a Portuguese of the Western Isalnds, these were a family by themselves on board the vessel and lived in the cabin.*
>
> *The following were the crew they lived in the forecastle. Cook Solloman Heding a Negro, hands before the mast Robbert Allison of New York, Alexander Collins New York, Thomas Canada New York - Duryea Carpenter New York, Edmund P Irvin New York Daniel OBrian New York Moses Brushell of Groton a Pequot Indian, James Freman of Groton a Negro Frank Joseph a Portaguese (sic) of Western Islands. Horrace Robberts Rhode Island. Edward Gardner of Rhode Island a Negro. These names together with my own show a crew of thirteen men before the Mast and four in the Cabin in all seventeen…"* [959]

August 25th, at Port Louis, Luis Vernet writes letters for Buenos Aires. One reporting the loss of *Belleville*;[960] another providing an update regarding the settlement, and a third requesting supplies to be sent to Statenland to replace those lost with *Belleville*. [961]

August 26th, *Matilde*, now under the command of Matthew Brisbane, sails for Montevideo; *"... the schooner Matilde carried 568 cowhide hides,.."* [962]

---

955 Pascoe 2022 vol.1 p.625

956 A troubled crew by all accounts. One dissident was William Horton Smyley. Born on Rhode Island, Smyley's name appears regularly in the history of the archipelago from this date onwards. Various spellings include Smiley (*US Congressional Documents & Debates 1774-1875*). Date of birth given variously as 1792 or 1807/08 with the latter more likely (see September 1831 below). An obituary, on his death in 1868, suggested that Smyley had served under Admiral Browne during the Chilean War of Independence. Unconfirmed. There are many tales associated with Smyley.

957 Caillet-Bois 1982. p.227 citing the *Bulletin of the Geographical Society of Paris* 1831. Vernet had once worked for the Kumbhaars, before moving to Buenos Aires in 1818.

958 *A History of a Sealing Voyage on board the Schooner Breakwater of Stonington, Connecticut in the Year AD 1830 & 31* Daniel W. Lamb 1896 published in Penguin News as a *Sealing Voyage to the Falklands* September 13, 2013, September 20, 2013 and September 27, 2013. Lamb was 21 when he joined *Breakwater*, and 87 when he wrote his book.

959 Lamb 1896. En-route, *Free Gift* sprang a leak and was abandoned mid-October, 1830.

960 *AGN FONDO Luis Vernet VII-127*

961 Caillet-Bois 1982 p.224 citing *Luis Vernet al Ministro Secretario de Gobierno, Colonia de Malvinas, 25 de agosto de 1830*

962 *Ibid.* p.220. Date of departure noted in Emilio Vernet's diary.

At least five men desert from *Thaddeus* in one of the ship's boats; including William Smyley. [963]

August 29th, *Hope* (Keane) returns to Port Louis, en-route for the USA. Luis Vernet charters the ship to collect salted fish, seal skins and hides from different places around the island. Then to sail with letters and produce for his agents in Montevideo and Brazil. [964]

At Montevideo, during early **September**, *Matilde* anchors in the port. Disposing of the hides, however, is not Brisbane's only task.

"*One of them was a printing job: in Montevideo he had some more "circulars" printed (i.e. Vernet's circulars warning ships' captains not to seal in the Falklands) and also some paper "currency". The bill he paid totalled 28 pesos: 10 pesos for 100 circulars, and 18 pesos for 1300 "billets" at 1, 5 and 10 pesos each. ... (Vernet) was setting up a "truck" system, a closed economy in which employees were not paid in freely negotiable cash but in goods or tokens. The currency notes were merely his own personal "IOUs" – he was signing bouncing cheques."* [965]

September 17th, at Long Island, *Hope* runs aground. On inspection, found to be undamaged.

October 1st, from Port Louis, *Hope* sails for Brazil.

October 2nd, on East Falkland Island, a duel with pistols is fought between a German immigrant, Johann Zimmerman, and a gaucho, Pio Ortiz. Love rivals for the affections of Elisa Hagener. Neither are hurt. [966]

October 9th, at Port Louis, *Hope* returns having encountered bad weather and losing a large part of her cargo.

October 16th, from Buenos Aires, the *British Packet and Argentine News* reports (in English):

> *"Falkland islands: The arrival of Capt. Brisbane, from the above Islands has put us in possession of news, from the Emigrant settlement established at East Falkland Island, Port Luis, Berkeley Sound, under direction of Mr Luis Vernet. We rejoice to hear that it is in a prosperous condition; about 20 000 head of horned cattle are on the Island; poultry and pigs in abundance, and all sort of wild fowl, rabbits, potatoes, cabbages and other vegetables thrive extremely well; wild horses abound, but the breed is small. Horses have however been imported from Patagonia; wood is scarce, but this want, as regards firing, is amply compensated by the great quantity of peat found on the Island. The Emigrants at present on the Island amount to about 70 persons. A circular has been published by the Governor, (Mr Vernet,) with the decree of the Government of Buenos Ayres, of the 10th of June, 1829."*
>
> *Circular*
>
> *"Port Luis (Falkland Islands) To Captain...- Sir: The undersigned, governor of the Falkland islands, Tierra del Fuego and adjacencies, doth hereby, in compliance with his duty expressed in a decree passed by the Government of Buenos Aires on the 10th, June 1829, to watch over the execution of the*

963 Caillet-Bois 1982 p.223. Apparently intent on sealing on their own behalf..

964 *Ibid.* p.220 fn.18.This report appears to conflate two or more events.

965 Pascoe 2022 vol.1 pp.633-634. It was not unusual for companies to issue monetary tokens, which had a long history as a barter currency. An effective way to tie employees to an enterprise and its – often notorious – 'company store'. Mostly, if not entirely, banned in Britain with the Truck Act 1831. Any suggestion that the Islands had their own money in 1830 is ridiculous. Luis Vernet, in a letter dated August 22, 1839, addressed to the then resident British officer at Port Louis, Robert Lowcay, referred to the bills as "paper tokens".

966 *Ibid.* p.636

laws respecting the Fisheries, which decree is annexed as a translation, inform you: that the transgression of those laws will not, as heretofore, remain unnoticed. [967]

The undersigned flatters himself that this timely notice which he gives to all Masters of vessels in the Fisheries on any part of the coasts under his jurisdiction, will induce them to desist, since a repetition will expose them to become a lawful prize to any vessel of war belonging to the Republic, or to any vessel which the undersigned may think proper to arm in use of his authority for executing the laws of the Republic.

The undersigned further warns persons against the practice of shooting cattle on the East Falkland Island, the same being private property, and however innocent the act may be in those that are not aware of this circumstance, it becomes, of course, highly criminal in those who wilfully persist in such acts, and renders them liable to the rigor of the laws in similar cases. On the other hand those who are in want of provisions or refreshments, can receive them on moderate terms, by applying at the new colony at the head of Berkley Sound, where no port charges are to be paid, desertion of men discouraged, an any assistance rendered to those that may stand in need of it, by the undersigned... Luis Vernet" [968]

After reading the article, Woodbine Parish summons Matthew Brisbane to the British Consulate.

"Upon seeing the Notice signed by Vernet, I thought it right ... to acquaint him (Brisbane) with the protest I had been instructed to enter here against the decree of the Buenos Ayres Government of June 1829, and I desired him as he was about to return immediately to the Falklands to communicate the tenor of it to Mr. Vernet ***as a warning against his interfering with any H.M.'s subjects frequenting those coasts****:- Mr Brisbane promised me he would take care that my caution should be attended to (and) that the truth was the notice was more intended to draw vessels to Soledad for supplies, than to hinder their coming there, which in fact they had no means whatever at their disposal to prevent. I thought it better to take this course than to make any further official representation to the Government upon this subject, being satisfied that neither Mr Vernet or Brisbane require orders from the authorities at Buenos Ayres to attend to my advice and caution."* [969]

One of the Hispano-American colonies has endeavoured to maintain, in its own behalf, those rights of sovereignty and jurisdiction once claimed by Spain;.." [970]

"... no other country accepted that Argentina had any rights of sovereignty whatever in the islands. Britain regarded the Falklands as British, Spain held them to be Spanish, while the United States denied that any country held any rights of sovereignty and the islands were part of the high seas, open to all. ... it is historically and legally untrue to say that there were ships killing seals "illegally" in the islands – to all countries except Argentina, it was Vernet's actions that were illegal." [971]

---

967 The decree of 1829 creating the political and military command of the Falklands provided a general duty upon the Commander to see that the laws of the Republic were obeyed. The only Buenos Airean fishing law then in existence was that of October, 1821, as amended by decrees in October, 1829 and July 1831. The 1821 law, as amended, did not refer to the Falklands archipelago. *cf.* 1831 & 1882

968 Quoted in *De Quesada a Bayard* 4 de Mayo de 1887 in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887. Also *FO 78/1/115-118. cf.* August, 1829. Republished October 20, 1830 in the *Gaceta Mercantil*.

969 *FO 78/1/111 Woodbine Parish to Earl of Aberdeen November 20, 1830.* My emphasis. See 1831.

970 Reynolds 1835 p.481

971 Pascoe 2020 p.117

"Vernet was playing a dangerous game. He maintained that he was watching over "the execution of the laws respecting the Fisheries", but of course he did not want "fishing" (i.e. sealing) to stop; he wanted to force sealers to pay licence fees." [972]

October 20th, from the Falklands, *Hope* sails again with a cargo of Vernet's produce bound for Bahia in Brazil.[973] On board are three of the deserters from *Thaddeus*, together with the majority of the *Belleville* survivors; including Captain Bray. [974]

In Buenos Aires, on the same day, the *Gaceta Mercantile* publishes Vernet's Circular in Spanish.

October 29th, nine of the German settlers carried out to Port Louis in July, 1829, leave in *Maria Antonia*. Including the Hagener family, with their daughter Elisa.

"Throughout Vernet's tenure, the land-based population at Port Louis was thoroughly unstable and fluctuated as much as the ship-based population around the islands; both were very much "floating populations". The Germans who arrived in the Betsey in July 1829 had presumably intended to settle permanently in the Falklands, but most of them left again after only a year or so, and three years later only three single men were left. ... Emilio's diary records that two black men called Francisco and Manuel also left at the same time in the Maria Antonia; they had perhaps been taken on as servants by the Germans, but details are lacking. They are the only two blacks recorded as leaving the islands during Louis Vernet's time." [975]

November 1st, from Montevideo, the English brig *Elbe* (Peter Roche) is charted by Stanley Black & Co. To carry colonists and supplies to Port Louis. [976]

In London, Henry John Temple, Viscount Palmerston, is appointed British Foreign Secretary.

November 10th, in the Falkland Islands, a British expedition to find new sealing grounds in the Antarctic arrives in Berkeley Sound. *Tula* (Biscoe) and *Lively* (Smith) are under the overall command of John Biscoe.

> *"I was much surprised to find a small Colony at these Islands and of course disappointed in my hope of taking Provisions without much expence (sic), Mr. Vernet the proprietor selling his Bullocks at $10 each which are small and lean and very badly killed..."* [977]

"... the British brig Tula, Captain Biscoe, and the Lively, from London, touched at the Falklands in November 1830;... The Masters of these ... were expressly enjoined, on their sailing from England, to respect the Colonists, and not to seal on the Islands." [978]

"Captain Biscoe speaks highly of the convenience of this port for vessels bound round Cape Horn: fish, bullocks, and fresh water can be easily procured, with a variety of anti scorbutic herbs to use as vegetables: the entrance being also clear, the anchorage good, and the depth of water considerable close to the beach. A refitting yard here, he considers, could be very easily established, and would be both a great public and private benefit." [979]

---

972 Pascoe 2022 vol.1 (Kindle edition)
973 Dried beef and hides.
974 Henry Metcalf remained at Port Louis. After Brazil, *Hope* went to the USA. Bray would return in *Transport*.
975 Pascoe 2022 vol.1 p.636
976 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833). See – https://falklandstimeline.wordpress.com/wp-content/uploads/2024/08/cost-of-the-colony-of-port-saint-louis.pdf
977 Biscoe quoted in *John Biscoe in the Falkland Islands 1830-1832* in *Falkland Islands Journal* 1977 pp.1-5
978 Vernet in a proclamation '*To the Public*' dated May 3, 1832. The suggestion was that the ships' captains had been warned – while in England – not to take seals in the Falklands. There is no evidence to support this. See May, 1832
979 *The Naval Magazine* 1837 vol.2 p.547

"It is estimated that each year more than sixty English and American ships left the ports of their respective countries to head for the Magellanic seas, where some of them would remain for two or three years approximately." [980]

November 20th, from Buenos Aires, Woodbine Parish informs London of his warning to Brisbane.

> *"The Captain Brisbane who is stated to give the account in question, is the Person who was formerly with Mr. Weddel in his Voyage to South Georgia:- He has since associated himself with Mr. Vernet in his Speculation in the Falklands:- … Vernet's expectations continue to be realised, … He has confined himself to Soledad, the old Spanish settlement where the remains of the buildings originally erected by Mr de Bougainville in the year 1764 still exist."* [981]

Parish also refers to the Protest of 1829; *"Since my protest in November last the Minister has taken no further notice of this subject,.."* [982] With this letter, Parish encloses a copy of Vernet's *Circular* together with copies of documents that he has discovered in *"the old archives of the Government of His Catholic Majesty."* These include Bougainville's receipt of 1766; Spain's Royal Orders of 1774; papers referring to the removal of the lead plate from Port Egmont in 1776 and its subsequent retrieval by General Beresford in 1806. [983]

"Parish, while collecting news about the progress experienced by Puerto Soledad, managed to enter our Archive, discovering original manuscripts whose concealment might interest the cabinet of his homeland [The documentation taken from our repositories is now preserved in the British Museum, London]." [984]

At South Georgia, *Mary Jane* (Capt. Joseph E. Parsons) hunts seals; taking only 500 skins. [985]

November 22nd, at Port Louis, *Elbe* returns with a British family, a German man and Matthew Brisbane. Brisbane is carrying copies of Vernet's circular and paper tokens. Also on board are 28 horses.[986]

November 24th, at Port Salvador, *Harriet* (Davison) anchors.

November 27th, made aware of *Harriet*'s presence, Luis Vernet sends Julio Grossy with a copy of his 'circular'.

"… Lewis Vernet, a German, who pretended to act as Governor of the (Falkland) Islands and of the whole of the East and West Coast of the continent to Chili, including the adjacent Islands and the Straights of Magellan; and who warned the Declarant not to take Seals on any part of said Coast or on any of the Islands so pretended to be under his Authority, which he derived from the Government of Buenos Aires; … Lewis Vernet gave this Declarant a printed Paper…" [987]

---

980 Caillet-Bois 1982 (6th ed.) p.232

981 *FO 6/499* and *FO 78/1/112.* Parish knew the archipelago's history. See 1820.

982 There is no indication that Parish pressed the issue. The 1829 protest had been aimed at the actions of the Lavalle Government. After its downfall, this seems to have been accepted as an end to the matter.

983 *FO 78/1/113-114.* Paris obtained copies. He did not steal originals as has been alleged. Argentina's national archive has suffered from many cases of theft however, most notably by its own civil servants during the 20th century. See *The Dialogue between History and Political Culture: The Political Reception of the Work of Sir Lawrence Freedman in the Argentine Press* Vicente Palermo 2007 in *Political Studies Review* vol.5 pp.32-38

984 Caillet-Bois 1982 (6th ed.) p.315 & fn.26. The suggestion that Parish stole documents is ridiculous.

985 Dickinson 2007 p.67

986 Pascoe 2022 vol.1 p.637. Pascoe speculates that the British family were the Addymans – Joseph, his wife and their children. Also that the German man was Anton Vaihinger.

987 Gilbert Davis affidavit to George Slacum contained in *Slacum to Livingston November 23, 1831*. See also *Gilbert R. Davison Public Instrument of Protest*, Nov. 23, 1831 *Records of the Foreign Service Posts of the Department of State, Buenos Aires* quoted in *United States Involvement in the Falkland Islands Crisis of 1831-1833* Craig Evan Klafter in *Journal of the Early Republic* Vol.4 No.4 (Winter 1984) pp.395-420

"... in the year 1829, I found the Harriet loaded with Seal skins which had been taken in that jurisdiction. I generously permitted her to depart with her Cargo, warning her that in case of the recurrence of the offence, both Vessel and Cargo would be confiscated; and, to make the notification more complete, as she returned again in 1830, I delivered the Captain a Circular containing the same general warning." [988]

"A messenger arrived on board from the governor of the Falkland Islands, carrying a circular letter addressed to Captain Davidson, containing warnings about the fishing laws governing any point on the islands and coasts under his jurisdiction." [989]

From Port Louis, *Tula* and *Lively* sail; *"John Biscoe in the Tula and George Avery in the Lively first searched for the elusive Aurora Islands, and after failing to find them set off for the Antarctic."* [990]

December 3rd, *Harriet* reconnoiters Port Egmont, before moving on to New Island to drop off a sealing crew.[991]

December 13th, at Statenland, *Harriet* obtains 88 seal-skins in ten days.[992]

Pacific (Brown) hunts at the South Sandwich Islands. [993]

December 17th, *Elbe* sails to Tierra del Fuego to collect wood.

December 22nd, *Tula* and *Lively* visit Montagu Island in the South Sandwich Islands group. [994]

1831 – January 3rd, at Statenland, one of *Harriet*'s sealing crews returns with 40 seal skins. [995] *Breakwater* and *Susannah Ann*, hunt seals on the Patagonian coast.

In the United States, a copy of Vernet's 'circular' with the decree of June 10th, 1829 printed on the reverse, is received by Noyes Barber, a member of the US House of Representatives. [996]

January 4th, Buenos Aires joins Entre Rios and Santa Fe to form the Argentine Confederation (Federal Pact).[997] A military alliance with no head of State; General Rosas takes responsibility for foreign relations.

At Port Louis, *Superior* (Congar) is handed a copy of Vernet's sealing regulations.

"This ship, dedicated like the previous ones to the fishing and hunting of sea lions, stopped in the islands in January 1831, on which occasion he was given the circular prohibiting the killing of amphibians. Captain Congar ignored the warnings, and believing himself safe from all punishment, he took care to carry out his fishing and hunting work conscientiously..." [998]

In North America, *The Sailor's Magazine and Naval Journal* reports:

> *"Sealing – By some new regulation of the Buenos Ayrean government, the business of sealing at the Falkland Islands and Cape Horn will probably be much checked, if not entirely stopped..."* [999]

---

988 Vernet 1832.
989 Anonymous quote in Caillet-Bois 1982 (6th ed.) p.237
990 Pascoe 2022 vol.1 (Kindle edition)
991 Caillet-Bois 1982 (6th ed.) p.237.
992 Pascoe 2022 vol.1 p.642. The sealers from *Harriet* had only managed to take 25 seal-skins from the Falklands.
993 Holdgate & Baker 1979 p.5
994 *Ibid.*
995 There are references to the various sealing crews eventually taking in excess of 400 seal skins.
996 Seemingly provided by F. Trumbull, a member of the Stonington sealing community. See February 10, below.
997 Corrientes, Mendoza, Cordoba and La Rioja joined August 1831.
998 Caillet-Bois 1982 p.240
999 *The Sailor's Magazine and Naval Journal* January 1831. Published by the *American Seamen's Friend Society*

"At the beginning of 1831, Vernet had formed a plan for the organization of seal and whale hunting, thus demonstrating his willingness to overcome the obstacles and to offset governmental neglect. For the realization of his Plan he needed a fast sailing vessel, one hundred tons and two schooners ..., so that he would be in a position to properly exploit such a disputed source of wealth. Families of fishermen located in each of the beaches, well provided with oxen for tillage and agricultural implements for the cultivation of the land, would be in charge of hunting whales and sea lions. The ships would sail with (the) flag of Buenos Aires and would have main stations on New Island ... and Berkeley Sound or Port William." [1000]

On West Falkland Island, the independent sealers, originally from *Belleville* and *Thaddeus,* see one of their boats, *Black Prince*, wrecked. Using what they can salvage, another boat, a shallop, is partly constructed on Eagle Island. [1001]

January 17th, at Port Louis, a French whaler *Jean-Jacques* (Guérin), anchors.

January 23rd, the young son of Julio Grossy, Juan, dies. [1002]

February 10th, from Washington DC, Secretary Van Burren writes to John Forbes in Buenos Aires. He seeks information in order to answer a question raised in the US House of Representatives, regarding both the 1829 decree and Vernet's recent circular.

> *"Herewith you will receive translations of a decree of the Buenos Ayrean Government, dated 10th June, 1830 [i829?], and a circular letter without date, from Lewis Vernet, "Governor of the Falkland Islands, including Terra del Fuego and adjacencies," both recently published in the newspapers of this country, together with the copy of a letter from Mr. F. Trumbull to Mr. Noyes Barber, of the House of Representatives, which that gentleman has communicated to this Department, complaining of the injurious effect of the decree in question, and of the measures adopted by Governor Vernet, in pursuance thereof, upon the rights and interests of a numerous and valuable class of our citizens, extensively engaged in the whale and seal fisheries on the coasts and shores of those Islands.*
>
> *It appears from the decree, that the Government of Buenos Ayres asserts a claim to the Falkland Islands, and all others near Cape Horn, including that of Terra del Fuego, upon the grounds that they were formerly occupied by Spanish Subjects, were incorporated in the Vice Royalty of Rio de la Plata, under the Spanish Monarchy, and that the said government succeeded to all the rights of that Vice Royalty, as a necessary consequence of the Revolution of 25th May 1810, which rendered it independent of that Monarchy.*
>
> *The decree accordingly provides for the civil and military government of the said Islands, by officers to be appointed by the Buenos Ayrean Government, fixes the residence of the officers to be so appointed on the Island of Soledad, and invests them with authority to see to the execution of the regulations concerning the Fisheries upon the coasts of these islands, without defining the character or nature of those regulations. The principal object of the circular letter of Governor Vernet which is stated by Mr. Trumbull to have been communicated to the captains of American vessels, four or five in number, lately in the region, is evidently intended as a warning to those captain's and others engaged in the whale and seal fisheries there, to desist from the use of those fisheries though they have heretofore always been considered as entirely free to that of all nations whatever and as the exclusive property of none.*

1000 Caillet-Bois 1982 p.236
1001 Now known as Speedwell Island. When complete, the vessel was named *Eagle*.
1002 Circumstances not known.

Under these circumstances, it is the wish of the President to be made acquainted, in a more authentic form, with the measures which have been actually adopted by the Buenos Ayrean Government, in relation to this important concern and you will, accordingly, make the necessary inquiries upon the subject, and communicate the result to this Department. In the mean time, it is moreover the wish of the President, that you should address an earnest remonstrance to that Government against any measures that may have been adopted by it, including the decrees & circular letter referred to, if they be genuine which are calculated in the remotest degree to impose any restraints whatever upon the enterprise of our citizens, engaged in the fisheries in question, or to impair their undoubted right to the freest use of them.

***The Government of Buenos Ayres can certainly deduce no good title to these Islands**, to which those fisheries are appurtenant, f**rom any fact connected with their history**, in reference to the first discovery, occupancy, or exclusive possession of them by subjects of Spain."* [1003]

February 13th, in the Falklands, *Harriet* (Davison) returns to New Island.

February 15th, *Harriet* and *Alonzo* (Wilcox) meet near Cape Tamar. *Harriet*'s cargo of seal-skins are transhipped to *Alonzo*. [1004]

February 17th, at Port Louis, one of Vernet's indentured slaves, Dorotea, gives birth to a child, Clara. [1005]

On the same day, French whaler *Jean-Jacques* (Guérin) sails into Port Louis for a 24 hour visit. [1006]

February 18th, at Port Salvador, *Harriet* anchors; *"and the following day two boats were sent to a seal rookery at the mouth of the bay and killed 61 seals; on 20 February they "attacked another rookery" and killed 67 seals."* [1007]

February 25th, *Alonzo* (Wilcox) and *Penguin* (Palmer) also anchor in Port Salvador. Captains Davison, Wilcox and Palmer then travel overland to obtain beef from Luis Vernet. [1008]

February 26th, *Superior* (Congar) resumes sealing around the western islands of the archipelago. [1009]

"... the Superior schooner on Beauchêne killed so many pregnant wolf (seals) and little calves that when the Harriett came .., he found the place deserted. This was done by the captains even after receiving the circular."[1010]

March 3rd, from the Falklands, *Alonzo* sails for the USA with a full cargoe of seal and pup skins. *Harriet* and *Penguin* sail for Cape Tamar.

1003 *Martin Van Buren, Secretary of State of the United States, to John M. Forbes, United States Charge a"Affaires at BuenosAires* in Manning 1932 pp. 3-4. My emphasis. Clearly, the USA did not subscribe to any notion of 'inhertance' by a revolted colony, despite its own history.

1004 Alonzo was preparing to return to Stonington in the USA. 327 seal-skins and 112 pup-skins were transshipped, although another 37 skins were subsequently taken from Eddystone Rock by the two vessels.

1005 Cirio 2019 p.8. Father unknown.

1006 See December, 1832 below

1007 Pascoe 2022 vol.1 p.646

1008 *Ibid.*

1009 Klafter 1984. See also Cawkell 2001

1010 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887

From Tierra del Fuego, *Elbe* returns with a cargo of wood for Port Louis; *"... bringing the Patagonian Indian leader "Maria of Magellan" to visit Luis Vernet."* [1011]

March 19th, at Port Louis, Vernet pens a letter for British Consul Woodbine Parish in Buenos Aires, claiming an amount of $250 for *"additional aid"* involved in the rescue of Brisbane's crew in 1828. [1012]

March 22nd, from Port Louis, Luis Vernet pens a letter to Minister Anchorena in Buenos Aires requesting a "*small, only one-canon,*" warship for use in the protection of the fisheries. [1013]

"He suggested that the troops he demanded should be composed of married soldiers, chosen and "accredited for their subordination and firm adherence to the Government, without whose requirements they might rather be prejudicial than useful, since (if the) cavalrymen fled to the countryside (they would be) almost impossible to apprehend, and joining deserting sailors and crews of fishermen smuggling could become formidable to the point of endangering the Republic's possession of this territory." [1014]

"Vernet's Colony was distinctly in the nature of a private venture with the paper backing of the Buenos Aires Government. Vernet himself later admitted that the foundation of the Colony was entirely his own work, that he received no assistance at any time from the Government, that he received no salary as "Governor," and that the Islands paid no taxation." [1015]

March 23rd, Luis Vernet writes again, extolling his progress.

> *"All Falkland Islands have good ports, abound in fish, enough to support considerable populations and to form an important export item. The soil is for the most part proper for agriculture, and where it is not, it is for grazing, and it is in places where peat is found, a kind of compact soil formed by vegetable offal, from very remote times, that dried hardens and is an excellent fuel, almost equal in heat to stone coal, and is very similar to the land they call peat in Europe. The climate always mild, never makes you feel neither cold nor excessive heat. Potatoes produce well and with abundance, the same vegetables of all kinds; the former could be an article of considerable export for Brazil, as they are for Ireland, with the advantage of being closer to the Brazilian market. Flax and hemp give good crops. Wheat also produces very good grain, but it needs to be sown on the sloping terrain to the north, without whose requirement they would not ripen perfectly, due to lack of heat. The winds, although strong frequently, do not harm the plants, because when they are exposed to their effects since they are born, they are all reared with more robustness, which resists the strongest wind. That's right, that the wheat cane in Malvinas is more than double the thickness of that in Buenos Aires.*
>
> *Grazing is very varied, for the most part fattening pastures are kept that keep the cattle in the crudest of the season always fat, and although the cold of winter are somewhat stronger than in the province of Buenos Aires the cattle feel less, because the field is so broken that everywhere it finds shelter.*

1011 Pascoe 2022 vol.1 p.648. Also known as Maria la Grande, Maria la Vieja and Santa Maria, tradition has it that she was the daughter of a Tehuelche chief. At 5' 11", one of Patagonia's "giants". Most Europeans at that time were rather shorter. Some sources give her arrival in the Falklands as January 15, 1831. She remained for some six months as a guest of Luis Vernet's family. See September 15, 1831, below.

1012 What the "*additional aid*" was is not known, but Woodbine Parish had paid for a full month's charter of the rescue ship *Betsey* in May, 1829. See May 10, 1831, below.

1013 Pascoe 2022 vol.1 p.651 citing *AGN VII, 129, docs.75 & 84*. Anchorena's reply can be found among Vernet's papers in *AGN VII 129 doc.95, "the current circumstances do not permit the sending of the assistance requested by the Commandant, but attention will be given at the appropriate time to the promotion of the support of the Colony".* Unhelpfully it is undated. Nor is it known when Vernet received it.

1014 Caillet-Bois 1982 pp.234-236

1015 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490.* My emphasis.

All Falkland Islands have the same advantages listed, and some of them have more than the desire of amphibians, and bays the asylum of whales, pursued at sea by the infinite whaling ships that fish them from Brazil to Cape Horn, a considerable distance from land. These are the islands that would deserve, each one, a small establishment, even if they were no more than three families and twelve fishermen, to fish amphibians and whales in their proper season, and ensure that those of other flags do not work. Well, fishing would be well arranged, and their products would increase every year, and they would be an immense wealth for their inhabitants. Each of the islands where amphibians frequent, would have in a few years more annual product of wolf hides than the Islands of Lobo and Castles of Maldonado. Such establishments would cost the State very little since their inhabitants would not take long to stand alone, and since their entrances would exceed their needs, their well-being is assured; whose advantages revealed, is the best show for emigration from outside. The increase in population will increase the value of the entire territory, and the State, of this increase in value and the training of national sailors for a navy and of the prosperity of these inhabitants would report incalculable goods thereafter, and perhaps in very few years...." [1016]

"The prosperity of the inhabitants, under a paternal and republican government, would form good citizens of the same foreigners who, in view of so many advantages, would rush to participate in them, and a large increase in population would be the consequence. This fact has been shown to us by the Republic of the United States which, in the midst of the great respectability it has acquired, counts more foreigners than natural among its inhabitants; but all make up a single family, and the children of that country are no more enthusiastic about its institutions than are their adopted children. Nor is there anything more natural than where man is well, that there is his homeland." [1017]

Vernet also proposes the founding of a port on an island of Cape Horn called Ermitaño. Being closer to the Cape, it would attract ships in need of repair.

"The list of places suitable to be the object of a colonization did not end with the names of San Julián, Santa Cruz, Puerto Deseado, Puerto Oven "immediate to that of Santa Helena" and the peninsula of San José. "All these points – he said – serve for grazing more or less for agriculture, and all for amphibian fishing, as well as for the gathering of salt..." [1018]

March 26th, from Port Louis, Emilio Vernet sails for Montevideo, with Matthew Brisbane and two gauchos, on *Elbe*.[1019] Emilio carries, in addition to his brother's correspondence, the draft of an advertisement. [1020]

"... a shipment of wood, 237 beef leathers, 112 quintals of jerky meat and 8 barrels of fish in brine were exported in the Elbe brig (1831)." [1021]

April 13th, at Montevideo, *Elbe* arrives to collect colonists and 28 horses organised by Stanley Black & Co.[1022]

In Berkeley Sound, on the same day, a British cutter *Rose* anchors. [1023]

1016 *AGN Fondo Luis Vernet VII-127.* Much of this was simply not true.

1017 *AGN Fondo Luis Vernet VII-129, doc.90.*

1018 Caillet-Bois 1982 pp.224-225 citing *Informe reservado de Luis Vernet al Gobierno 23 de marzo de 1831* published in *La Rpublica June 15, 1879 no.3662 p.1 col.1-3*

1019 Emilio Vernet had been on East Falkland Island since 1826. He never returned.

1020 See September, 1831, below.

1021 Caillet-Bois 1982 (6th ed.) p.221

1022 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833). Vernet gives the date of March 31, 1831, for *Elbe*'s departure from Montevideo which does not accord with other sources. An error in translation perhaps.

1023 See May, 1832 below.

April 23rd, from Patagonia, *Breakwater* with a cargo of some 1600 sealskins, sails for the Falkland Islands.

April 26th, in Buenos Aires, *La Gazeta Mercantil* gives a brief summary of Vernet's report on the condition of the Falklands colony. The newspaper notes that 85 vessels of differing nationalities have visited the port between 1826 and 1831. [1024]

At Port Louis, on the same day, an American sealer *Colossus* (Fales) anchors. [1025]

April 27th, at West Point Harbour, an American sealer, *Breakwater* (Daniel Carew), anchors after sealing on the coasts of Patagonia. She has over 1,600 seal-skins on board. [1026]

May 7th, at Port Louis, *Breakwater* puts in to effect repairs. On landing, its captain is handed a copy of the local sealing regulations. Whilst in the port, Capt. Carew contracts with Capt. Fales to take *Breakwater*'s seal skins back to the USA. These are promptly transshipped to *Colossus*.

"I supplied him (Carew) with what he wanted, and permitted him to ship the seal skins he had taken on the coast of Patagonia." [1027]

"The cargo, consisting of 1,007 large and medium-sized skins and 624 small skins, had been transhipped to the schooner Colossus. Carew stated that the damage (to his ship) were the consequences of a turnaround suffered by the Breakwater in a port on the Patagonian coast." [1028]

"In Puerto Soledad, the crew of the Breakwater also obtained 1,000 pounds of bread from Vernet in exchange for molasses, coffee and a quantity of slops, which in slang usually referred to clothing, boots and personal products such as tobacco, which the ships carried to sell or pay their crew members. Four oxen were also purchased from Vernet for the price of 40 units of an unspecified currency, possibly dollars." [1029]

May 10th, from the Falklands, *Colossus* sails for the USA.

"... it must have been galling for him (Vernet) to see what a profit the Breakwater had made taking sealskins from "his" islands and "his" Patagonian coast,.." [1030]

At Port Louis, Capt. Carew tells Vernet; *"... he was going on a voyage to the Pacific."* [1031]

From Montevideo, Emilio Vernet travels to Buenos Aires where he presents his brother's bill to Britain's Consul-General Woodbine Parish. Parish, immediately responds in a letter for Luis Vernet.

"As to the $250 claimed for the additional aid furnished to captain Brisbane to bring away his people from South Georgia, I will forward your Representation to England and recommend that it be paid you but I cannot without a special authority now take upon myself to advance a further sum on this account, the Expence (sic) already incurred having been considerable and the accounts being closed..." [1032]

1024 Caillet-Bois 1982 p.234

1025 Fales was bound for Boston having failed to find more than 7 seal skins on his own behalf in 10 months of hunting. Where he had been hunting was not recorded.

1026 Pascoe 2022 vol.1 p.659

1027 Luis Vernet in *AGN VII 130 doc.178*. This account dates from 1837. It seems unlikely that Vernet's permission was sought. In full in Pascoe 2022 vol.2 appendix A.24

1028 Caillet-Bois 1982 p.240 fn.18

1029 Haller 2023

1030 Pascoe 2020 p.121

1031 *De Quesada a Bayard 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887

1032 *Parish to Vernet May 10, 1831* in *AGN VII, 129, doc.93.* Presumably, this was handed to Emilio Vernet.

May 19th, in the Falklands, *Breakwater* sails the San Carlos, White Rock and Port Howard areas, hunting seals.

May 23rd, in the north of the Islands, at the harbour of Port Egmont, *Harriet* anchors.

May 25th, *Adeona* (William Low), returns to Berkeley Sound. [1033]

May 31st, at Port Egmont, *Breakwater* joins *Harriet*. [1034]

June 10th, in the USA, Navy Secretary Levi Woodbury orders Commander Silas Duncan to Rio de Janeiro.

> *"Your duty shall be to protect the commerce of the citizens of the United States, and to maintain the national stature by all legal and honorable means in your possession..."* [1035]

June 14th, in Buenos Aires, US *charge d'affaires*, John Forbes, dies in post, and without completing his instructions from Secretary Van Burren.[1036] US Consul, George Slacum, takes over the care of American interests.

June 24th, back in Montevideo, Emilio Vernet visits his brother's accountants to discover that the cattle business is in financial trouble. Debts are increasing and further money has to be borrowed. [1037]

"The accounts show that the Vernet brothers were in debt to Black & Co. to the tune of 14,390.7½ pesos, i.e. £2,398 sterling at the rate given (1 peso = 40 old pence, i.e. 3 shillings and fourpence or 1/6 of a pound), while Emilio's own financial account shows a debt of 5814 pesos 3¾ reales (about £969 sterling). The Vernet brothers were thus indebted by a total of some 20,204 pesos or about £3,367 sterling. Those were large sums – they should be multiplied by around 100 to obtain a rough modern equivalent." [1038]

June 26th, from the port of Montevideo, *Elbe* (John Burt) sails for Port Louis with settlers Joaquin Acuña, a Brazilian, and Mateo Gonzalez from Uruguay; together with their wives. Also 11 gauchos, including Manuel Coronel who had left Port Louis in 1827, and five Charrúa Indians. [1039] Emilio Vernet does not accompany them. Matthew Brisbane does.

"... (a) the eleven gauchos Joaquín Acuña, José Báez, Juan Brasido, Manuel Coronel, Mateo González, Mariano López, Telésforo Moreno, Sylvestre Núñez, Manuel Ruiz, Pedro Salinas and Domingo Valleja; (b) five Charrúa Indians known by the Spanish names "Luciano Flores", "Manuel Godoy", "Manuel González", "Latorre" and "Felipe Salazar" (their original Charrúa names are unrecorded); and (c) two women, Juana and Marica (whose surnames are unrecorded)." [1040]

July 5th, in Buenos Aires, a new decree, amending the 1821 and 1829 fisheries regulations, is promulgated.

> *"Having represented to the Government the political and military commander of Patagones, that the motives promulgated by the decree of October 28, 1829 have disappeared, and that there being no warships guarding those coasts, it is difficult to prevent the foreigners from fraudulently engaging in that business (it) being the natives and inhabitants of that place thus exclusively harmed, has agreed and decrees:*

1033 No record of when she left.
1034 Pascoe 2022 vol.1 pp.661-662. *Harriet* moved off on June 7, 1831, to look for seals elsewhere in the islands.
1035 Quoted in Fitte 1966 p.23
1036 See February, 1831, above
1037 Contrary to the assertions of some Argentine historians, Vernet's Falklands venture was never a financial success.
1038 Pascoe 2020 p.119
1039 The Charrúa had been prisoners in Montevideo, following a policy of genocide/ clearance by the Uruguayan gov.
1040 Pascoe 2020 p.120. Coronel arrived with Vernet in 1826, but had left again in June, 1827.

Art. 1 The decree of October 28, 1829, in the part that forbids the natives and the locals of the villages of Patagonia, from the fishing of amphibians in those shores in its jurisdiction, is revoked.

Art. 2. For now, and in accordance with the regulations mentioned in the following article, those who undertake the work of the oil will pay, by virtue of what is stated in the preceding article, five pesos in metallic currency for each of the tons of the ship, in accordance with the provisions of 22 September (sic) 1821.

Art. 3. The Commander of Patagones will form a regulation in which, with the presence of the general provisions on the amphibian fishing, and through the practical knowledge that assist him in this respect, it is determined and regularized the way and time of execution, and the rights and taxes to be established, and should be passed as soon as possible to the approval of the Government.

Art. 4. The previous decrees on the fishing of amphibians are in force in all that is not in opposition with the present, of which execution is commissioned the Minister of Government." [1041]

July 6th, in the Falkland Islands, *Breakwater* and *Harriet* meet up again at Port Albemarle. [1042]

July 15th, at Port Louis, *Elbe* returns. New arrivals bring the population at Port Louis to a peak of 128. [1043]

"... the maximum number of people present at Port Louis at any one time was around 128, for only two months from July to September 1831, but there were mostly under 100 people there." [1044]

On the same day, *Harriet* anchors in Port Louis.

"When asked by Vernet, Davison replied that he had not slaughtered wolves on the coasts belonging to the Command's jurisdiction ..." [1045]

July 23rd, *Harriet* moves around to Port Salvador.

July 27th, a member of *Harriet*'s crew abandons ship and walks to Port Louis.

" ... on July 27, a crew member of the ship defected. That was the beginning of all Davison's misfortunes, as the fugitive pointed out to Brisbane and other residents of the Vernet Colony where Davison had hunted seals." [1046]

July 29th, Matthew Brisbane seeks Luis Vernet's authority to take action, which is granted.

"I hope Your excellency will oblige them to compensate the Colony for the damages they have caused with their wrongly acquired ships and cargoes." [1047]

"The undersigned Governor of the Falkland Islands: I hereby certify that Don Mateo Brisbane is fully authorized to go aboard any vessel arriving at the ports or points on the coast belonging to that jurisdiction and that there being indications of suspicion in the captains or crews of such ships that would have violated the laws of the country, should take it to this port to be examined, for which it will

1041 Quoted in Fitte 1966 p.24. See 1821. Despite no mention of the archipelago, some 300 miles from Patagonia, an attempt would be made to apply this regulation there, leading to further questions by the USA in 1841. Also questioned by the Argentine Senate in 1882. *cf.* 1821, 1829, 1841, 1879 & 1882

1042 Port Albemarle is in the far south of West Falkland Island, on the east side, at the southern end of Falkland Sound

1043 Despite some exaggerated claims, this was the high point of the Port Louis population. Numbers quickly dwindled though, when the new arrivals discovered that neither habitable accommodation nor profitable employment was to be obtained on East Falkland Island.

1044 Pascoe 2020 p.88. See also Pascoe 2022 vol.1 p.665

1045 Caillet-Bois 1982 (6th ed.) p.239

1046 *Ibid.*

1047 *Brisbane to Vernet* quoted in Kohen & Rodríguez 2017 pp.130-131.

take the measures that it deems necessary, and for the record of the present I sign it with the seal of this Command." [1048]

"Vernet's finances were in a parlous state, as his accounts reveal... further burdened by the arrival of some two dozen new people aboard the Elbe on 15 July 1831. He had more mouths to feed and had to provide more accommodation ... The time was approaching when he would no longer be able to pay his way. He simply had to find a means of bringing in profits, so he decided on a bold move; he would monopolise the sealing trade by cutting out the Americans, and his lack of a ship would be solved by taking American ships as prizes." [1049]

July 30th, accompanied by a team of armed men, Brisbane walks to Port Salvador, where he finds Capt. Davison and six of his crew shooting geese. At gunpoint, Brisbane marches all seven back to Port Louis. [1050]

"... met and surrounded by several Englishmen, armed with Muskets and Pistols and headed by an officer by the name of Brisbane, who told the Declarant that he had been sent by Mr. Vernet to fetch him to Port Louis, where the said Vernet resided, and in consequence of said Vernet's having been informed that Declarant had been sealing on the Falkland Islands, Staten Land and Islands ... near Cape Horn;..." [1051]

"Determined to put things in their proper place, Vernet addressed the schooner's commander, inviting him to present his logbook, which would make it clear whether the accusations against him were fair or not. Davison refused,.." [1052]

After interviewing Capt. Davison, Vernet sends Brisbane to take possession of *Harriet*.

"He declared to Davison that it was his determination to capture all American vessels, including whaling as well as sealing vessels, ... While he was pursuing this system of depredation and outrage against American commerce, he spared the Adeona, a British vessel, whose crew were taking seals at the mouth of the harbour, declaring that he could not take an English vessel with the same propriety that he could an American!" [1053]

"Vernet... gave Brisbane written instructions to seize the ship and to put most of her crew on an island in Salvador Water with supplies and bedding, leaving one or two men aboard." [1054]

August 3rd, *Harriet* is brought into Berkeley Sound by Brisbane. Vernet has the vessel searched and its cargo of seal skins removed to the settlement's store. During the search, evidence is found that another American ship, *Breakwater*, has also been sealing in waters that Vernet considers his own. [1055]

"... Vernet had the ship apprehended on August 1 in San Salvador Bay. A few days later, the schooner anchored in Puerto Luis, being the object of an investigation that did not yield any favorable result, since the logbook could not be found. In order to correct this fault, the crew was questioned, one of whose members gave a private diary, with which it was possible to fully document the repeated violations committed by Davison." [1056]

1048 *Vernet to Brisbane* quoted in Fitte 1966.

1049 *Ibid.* p.25

1050 The armed men were mainly gauchos plus an American, Andrew Crawford, and a Chuhúa Indian, Manuel González. (Pascoe 2022 vol.2 p.11). Crawford may have been the deserter from *Harriet*. For the legitimacy of Vernet's seizures, as viewed by US Courts. See 1837 and 1839.

1051 *Gilbert R. Davison Public Instrument of Protest* 1831. Klafter 1984 gives the date as July 13th

1052 Caillet-Bois 1982 (6th ed.) p.239

1053 Reynolds 1835 p.485

1054 Pascoe 2020 p.122 citing *AGN VII 129 doc.126*

1055 Evidence found in the personal log of Richard Coffin, who had transferred to *Harriet* from *Breakwater.*

1056 Caillet-Bois 1982 (6th ed.) p.239 citing the statements of G. R. Davison (July 30, 1831), Lyman Halle (August 17, 1831), John Trumbull (August 12, 1831), etc.

"His suspicions confirmed, Vernet kept the Harriet's men detained at Port Louis, at first not under very strict supervision. But he soon felt forced to apply sterner measures – he found that Davison had secretly obtained access to the ship and had removed some supplies and given them to some of the settlers to win them over to his side, and had armed his men with large pointed knives, intending to rise up and recapture his ship." [1057]

August 9th, Davison and his crew are moved to a house about a mile from the settlement.

> *"You will please to take all the men belonging to the Schooner Harriet round to the fishing place, let each man take his bedding & some bread, and you will see their chests sent around in a boat. Let them know that they must not leave the house but one at a time and only for necessary occasions, & that, no farther than the beach. Let them know that there are men about the country and at Salvador Bay, and if any of the prisoners are found by these men at a distance from their house, they will risk their lives,..."*[1058]

In Argentina, Mendoza, Córdoba and La Rioja join the Confederation. [1059]

August 15th, Brisbane completes an inventory of *Harriet's* cargo, which Davison signs. [1060]

> *"That the Articles taken out at this time were as follows – Seven Barrels of flour, Eleven dº of Pork, two dº of Beans, four dº of molasses, three dº of Bread, Seven hogsheads of Bread four kegs of Powder, four bags of Shot, fifty four Seal Skins, Seventy eight hair dº all the boards belonging to the Schooner, Say seven hundred and fifty feet, some Oars, and all the boat timbers, keels, Stems and Sterns, that belonged to the Schooner. That said Articles were conveyed into a Store belonging to the said Vernet, and sold out by retail by him at the following prices, to wit, Pork twenty five Cents per lb., Molasses, at Seventy five Cents per quart, Bread twenty five Cents per lb."* [1061]

"Over the six days from 12 to 17 August, 1831, Vernet interrogated eight members of the Harriet's crew, and began to accumulate what eventually a large file of evidence on the operations of the ship and of other ships including the various boats of the Belleville men." [1062]

August 15th, at Port Salvador, Capt. Don Carew anchors *Breakwater* before going ashore with four others to make enquiries at Port Louis as to the whereabouts of *Harriet*. At the settlement they are 'arrested'. Vernet orders Brisbane to seize *Breakwater;* imprison its crew and bring the ship to Port Louis.

> *"This is to certify that you, Captain Mateo Brisbane, are authorized by me to go on board the schooner "Breakwater", Captain Dan Carew, hereby anchored in the Bay of San Salvador and proceed to its seizure and take it to the Port Luis to examine it as they have reports of having been fishing amphibians in these Islands. You are also authorized to take precautionary measures for these cases. Given under my signature and seal of this Command..."* [1063]

1057 Pascoe 2022 vol.2 p.13

1058 *Vernet to Brisbane August 9, 1831.* In full in Pascoe 2022 vol.2 p.13 citing *AGN VII, 136, fol.95*. With writer and recipient living together in a small settlement, this letter, together with other written instructions, suggests that Brisbane saw the need for something in writing. Wise in the circumstances. Vernet would later state that Davison was not imprisoned, merely confined. Davison, when reporting the matter to his Consul in Buenos Aires, disagreed.

1059 Over the following 12 months the Federalists would beat down the Unitarian League to reform the country. Or form a country, depending upon your perspective.

1060 As the vessel had not been 'condemned' by a Prize Court, this was simple theft. Pascoe (2022 vol.2 p.14) refers to rules of privateering, but Vernet was not authorised as a privateer. He held no Letter of Marque from any government.

1061 *Gilbert R. Davison Public Instrument of Protest* 1831

1062 Pascoe 2022 vol.2 p.14

1063 *Vernet to Brisbane August 17, 1831* quoted in Fitte 1966 p.25. Different (unsigned) version in Pascoe 2022 vol.2 p16.

"Vernet .., he demanded Carew's travel diary, which, when denied, gave reason for Brisbane to take office and seize the ship and its crew." [1064]

August 17th, at Port Louis, five of the ex-*Belleville* sealers from Eagle Island arrive to barter for supplies with seal skins and whale bone. Accused of '*illegal sealing,*' Americans Isaac Waldron, William Horton Smyley, John Jones and William Davenport are arrested; as is an Englishman, George Lambert. All are locked up.

"No sooner had we reached there, than we were surrounded by his soldiers, made prisoner & placed in confinement for having taken seals among the islands..." [1065]

"... Louis Vernet arrested them, accusing them of sealing "illegally", and locked them up for five weeks,.." [1066]

August 18th, Brisbane walks to Port Salvador where he finds the boat that Carew had used to get ashore. [1067]

> *"I saw the boat returning and I went below into the forecastle and said to them that were there the Capt. is coming. In a few minutes the boat came along side and then one of our men came down and in a low tone almost a whisper he said there is some strangers come on board but not the captain and they have guns. Tom Canada says let us make a rush for them and throw them Overboard. No says I, keep still, we have no arms and they have and if we undertake that we will some of us get hurt. So we kept quiet and went on deck and found they had possession of the vessel. Their leader was an English man Capt Brisbane ..."* [1068]

"As described in the log of the Breakwater's mate Oliver York, the boat approached the Breakwater in Salvador Water about 3pm., with the sail set in such a way as to hide the boat's occupants from the crew of the ship, who naturally imagined it was their captain returning." [1069]

Brisbane transfers all *Breakwater*'s crew, except three, onto an island in Port Salvador. First mate Oliver York is one of the three left on the ship to keep it at anchor. Brisbane gives York a paper stating that the vessel, papers and log have been seized. [1070]

> *"This is to certify that I have taken by force of arms from the Mate of the schooner Breakwater, O. York, the papers of the said vessel, viz. Her Register, Clearance and Crew list, which were forcibly taken from the Captain's trunk, and I have also taken possession of the Log-book, the Journal of capt. Carew; and by force of arms, acting under the orders of Mr. L. Vernet I have taken possession of the schr Breakwater, as she now lies in the harbour of Salvador, East Falkland, August 17, 1831."*

Brisbane walks back to Port Louis, while armed gauchos remain to guard the ship.

August 19th, ten men 'arrested' by Luis Vernet agree to leave the islands aboard the British brigantine *Elbe*. [1071]

Supplies are sent from Port Louis to the men marooned on the island in Port Salvador.

1064 Caillet-Bois 1982 (6th ed.) p.240

1065 *Lambert to Malmesbury February 27, 1852* in *PRO FO/6/502.* Discovering Luis Vernet in London in 1852, George Lambert wrote to the British Government demanding compensation for his detention and losses. There is no indication that this claim was ever resolved. *cf.* July 5, 1852. Also Pascoe 2022 vol.3 p.13

1066 Pascoe 2020 p.111

1067 Date from the log of the Schooner *Breakwater* in *AGN VII 129 doc.105*

1068 Lamb 1896. Internet published. See https://falklandstimeline.files.wordpress.com/2018/05/a-sealing-voyage-aboard-breakwater-d-lamb-1832.pdf

1069 Pascoe 2022 vol.2 p.16

1070 Published in the *United States Gazette* of Philadelphia on November 1, 1831. See below. *Breakwater*'s original logbook remains in the Vernet archive in Buenos Aires.

1071 Pascoe 2022 vol.2 p.19. Eight of the men were from *Harriet*. However, *Elbe*'s departure was delayed and five of the men then agreed to remain; to work for Vernet.

During the evening, Capt. Stephen Congar aboard *Superior* arrives at Port Louis. Congar is similarly accused of '*illegal sealing'* and arrested, together with his crew.

> *"... about Nine hundred Fur Skins were taken out of the Superior by said Vernet and brought on shore."*[1072]

"... those 3 vessels continued the same traffic, and were consequently detained, together with every thing belonging to them, to be arraigned before the competent Tribunal; which voluntary violation has been confessed and admitted by the Captains of the Harriet and Superior,.." [1073]

"Vernet says ... that Captains Davison and Carew told him that the Superior too had been sealing in the Falklands, so when Congar unsuspectingly went aboard the Harriet, ... he was taken prisoner." [1074]

Superior's crew are marooned on an island in Berkeley Sound, without supplies. Capt. Congar is locked up on his ship.

August 20th, at Port Salvador, around midnight, the three crewmen remaining on *Breakwater* overpower Vernet's sentry and lock the other guards in the forecastle.

> *"Aug. 20th: About midnight, having a rifle and two muskets, I secured the guard on board, four in the Forecastle, and one in the after hold, and sent T. Kennedy and the steward in the boat for the crew on the island."* [1075]

After rescuing the rest of the crew from the island, they put Brisbane's guards ashore. [1076]

August 21st, at 3am, Oliver York, now commanding *Breakwater*, sails for Statenland to rescue a seven-man sealing party left there by *Superior* in March, 1831. Once the guards have walked back to Port Louis, Vernet is informed of the loss of *Breakwater*.

August 27th, Vernet interrogates the ex-*Belleville* men. He also interviews Capt. Davison for a second time. [1077]

September 2nd, in Montevideo, William Low sets out sailing directions for a circular advertising Port Louis that is being prepared by Emilio Vernet. [1078]

> *"The **owner of the East Falkland Island**, who has formed a settlement there in 1826 at the head of Berkeley Sound, hereby informs all Masters of Vessels bound round Cape Horn and the shipping in general, that said Sound is of the easiest access and affords the safest places for Vessels to lay and where they can fill their water with the greatest facility.*
>
> *The establishment can provide them at any time with fresh provisions, such as beef and greens, etc., etc., etc., and as soon as the number of Vessels touching there augments, said owner intends to establish proper Naval Stores, where Vessels will find everything necessary also for repairing and refitting. They may be sure to meet there the best & most hospitable reception from the inhabitants, whose number may ascend at this moment at one hundred & Fifty Souls, and steps are taken to promote Colonization, so that their number may rapidly increase, as the good nature of the soil, for all agricultural purposes, at*

1072 *Gilbert R. Davison Public Instrument of Protest* 1831
1073 Vernet 1832
1074 Pascoe 2022 vol.2 p.20.
1075 Oliver York quoted in Pascoe 2022 vol.2 p.21
1076 Date is provided by Caillet-Bois (1982 p.240) who cites the *United States Gazette* of October 29, 1831.
1077 Texts of statements taken in Pascoe 2022 vol.2 p.28 and Appendix A.20
1078 Pascoe (2022 vol.1 p.30) notes that none of these printed advertisements appear to have survived, but that one was sent to the British Admiral at Rio de Janeiro which was then forwarded to the Admiralty in London. One copy survives.

which there has been made a trial with wheat, flax, potatoes, & all sorts of vegetables, - its vicinity to Cape Horn, the River Plate and Brazils, at which latter two places, the produce of the Islands, as Salt Beef, Hides, Codfish, Seal skins & oil always find a good market – offer so many different advantages to Settlers.

As for the Owner himself they may depend upon every assistance in his power if they should require it. He also recommends this place with a view to economy for Vessels, as they can lay here with little or no expense and without paying any sort of duties of which the Island is exempt for twenty years; and his chief object in making this place known being to promote communication with Foreign Countries which is highly essential to him and his Colony, the Vessels may rely upon the most reasonable treatment on his part… This place is particularly recommendable to Whalers & such Vessels bound on long voyages and that wish to recruit their Crew, as the abundance of game offers an interesting exercise to the same, and for those whose Ship's Companies are affected with the Scurvy, the Island produces spontaneously & in great abundance a variety of antiscorbutic plants. For Vessels touching there for the first time, the following directions of captain W. Low, who has been sailing many years about these Islands, in the Uxbridge, Adeona &c from London, may serve as a guide, and for more particulars they are referred to the following English vessels, that have called in there to the middle of March last." [1079]

"Directions for entering Berkeley sound (East Falkland Isl[d]). Ships approaching Berkeley sound from the Northward, should be careful in approaching a ledge of Rocks, that lies above the water, called by some Volunteer Rocks, lying at the North entrance of Berkeley sound, extending from the shore about on mile and a quarter …" [1080]

"The 18 vessels listed... are all British, given with their captains, previous port of call and purpose of voyage. ... Vernet's "Advertisement" lists ships, not visits; it includes only the British ships ... In that time there had also been 17 American ships (some paying several visits), 5 French, 4 from Buenos Aires and one Swedish, but only the 18 British ships are listed." [1081]

September 5th, at Port Louis, Luis Vernet interviews William Horton Smyley who he 'arrested' on August 17th.

"... who, after having been solemnly sworn to tell the truth, the whole truth and nothing but the truth to the questions to be made to him, was required to say what is his country, his age and occupation, answered that he is a native of the United States of America, 23 years of age, late seaman on board the schooner Thaddeus, ..."[1082]

September 8th, at Port Louis, six sealers are obliged by Luis Vernet to guarantee their future behaviour. [1083]

"The undersigned, having been arrested in Puerto Luis, Malvinas Islands, for violating the fishing laws and desiring while we remain here to be free to leave the country and in the meantime to travel freely wherever we wish, hereby make the solemn oath that we will not do in word or in deed anything that directly or indirectly disturbs the peace in this place or that in any way contributes to it; nor do

1079 *FO 6/499 fol. 152-155.* My emphasis. Low's relationship with Vernet at this time is unknown. A copy of this document came into the hands of Rear-Admiral Baker at Rio de Janeiro in March, 1832. In contrast to the cheery tones, Vernet's settlement had suffered a high turnover of settlers and the number of ships visiting Port Louis were dwindling.

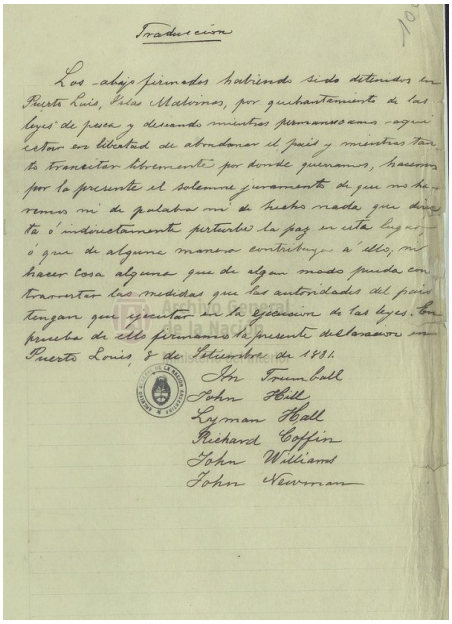
1080 Quoted in full in Pascoe 2022 vol.1 pp.29-30 citing *PRO FO 6 499 fols. 499 to 155.*

1081 Pascoe 2022 vol.1 p.654. Pascoe suggests that this implied a particularly pro-British bias.

1082 Information provided by Peter Pepper citing Argentine Archive *F.136 61R – 61V.* Smyley's year of birth is variously given as 1792 or 1807/08. This response to Vernet's questions would suggest the latter. Vernet would surely have been able to see the difference between a 39 year old and a 23 year old?

1083 *AGN Fondo Luis Vernet VII-129, doc.100*

anything that in any way can counteract the measures that the authorities of the country have to implement in the enforcement of the laws. In proof of this we signed this declaration in Port Louis, September 8, 1831.
J. Trumball, John Hill, Lyman Hall, Richard Coffin, John Williams, John Newman."


Traducción

Los abajo firmados habiendo sido detenidos en Puerto Luis, Islas Malvinas, por quebrantamiento de las leyes de pesca y deseando mientras permanecemos aquí cumplir con la libertad de abandonar el país y mientras tanto transcurrir libremente por donde gustemos, hacemos por la presente el solemne juramento de que no haremos ni de palabra ni de hecho nada que directa ó indirectamente perturbe la paz en este lugar ó que de alguna manera contribuya á ello, ni hacer cosa alguna que de algún modo pueda contravenir las medidas que las autoridades del país tengan que ejecutar en la ejecución de las leyes. En prueba de ello firmamos la presente declaración en Puerto Louis, 8 de Setiembre de 1831.

Jn Trumball
John Hill
Lyman Hall
Richard Coffin
John Williams
John Newman

"... the presence in Puerto Luis of two captured ships did not cease to cause serious concerns to Vernet, ... The crew of the Harriet had apparently proved to be possessed ... of a desire to regain freedom. Vernet then took the decision to assign them as prisoners (to) the house intended for fishing, although it did not change the affable treatment that, until then, had been accorded to them. It should be pointed out that the confinement only takes place during the night." [1084]

Vernet persuades Captains Davison and Congar to enter into an agreement with him. This allows for one of them to go sealing on the west coast of South America, on Vernet's behalf, while the other goes to Buenos Aires to represent both vessels on a charge of illegal sealing. [1085]

> *"(Art.3.) It is understood between the two contracting parties that this voyage to the slaughter of wolves shall be at the expense of Mr. Vernet if the ships were condemned, and at the expense of the owners in N. America if they were not, that is to say: half for each owner in America; and whether or not condemned the hides shall be counted and the crew shall immediately receive the share..."* [1086]

Vernet selects the *Superior* and Capt. Congar to go sealing. Capt. Davison is to go to Buenos Aires in *Harriet*. [1087]

"Vernet and Brisbane... had not the means of fishing, themselves, but their plan was to fish by proxy; and, whilst they laid claim to all the fish in the Southern Ocean, they were to compel our citizens to catch them for their use." [1088]

"Vernet himself undertook to provide them with supplies, salt, ammunition and other tools necessary for the slaughter of amphibians. The ship would be manned with the most suitable men, among whom would be Clarke, former pilot of the whaling ship, Adeona,.." [1089]

"Vernet's contract with Congar and Davison was illegal in international law. No laws or practices permitted the commercial use of a captured civilian vessel in peacetime without prior court adjudication, as the Harriet's owner Silas Burrows reminded Vernet's American agent Lewis Krumbhaar in a letter on 14 September 1832. Failure to comply with the legal norms made the perpetrator guilty of piracy." [1090]

1084 Caillet-Bois 1982 (6th ed.) pp.241-242
1085 Full text in Pascoe 2022 vol.2 Appendix A.21
1086 *Ibid.* p.242
1087 *British and Foreign State Papers 1831-1832.* Also Vernet 1832. Both captains subsequently claimed coercion. Two crews of sealers would have, in any case, been a handful, and it seems probable that Vernet saw an opportunity to free up his gauchos from guard duty and make some money at the same time.
1088 *Duncan to Slacum February 2, 1832* in Manning 1932 pp.93-94
1089 Caillet-Bois 1982 (6th ed.) p.242
1090 Pascoe 2020 p.124

September 10th, Vernet supplies Capt. Stephen Congar with a receipt for; *"... eight hundred and ninety-nine prime fur skins – four hundred and fifty-nine pup skins, and twenty-nine hair skins."* [1091]

September 11th, at Port Louis, the English whaler *Sir Andrew Hammond* (Cuthall) anchors.

September 13th, Capt. Congar prepares a letter to be taken out to the sealing party left on Statenland the year before by *Superior*. The letter informs them of the seizure of their ship and advises them to return with *Harriet*, which he believes is to be sent to find them. Congar's instructions are that they should hand over any seal skins they have accumulated and obtain a receipt. [1092]

September 15th, *Superior*, under Capt. Congar, and with a crew of fifteen, sails from Berkeley Sound. [1093]

"... he (Vernet) suffered one of these two to depart, leaving a cargo of seal-skins as a deposit. The other was still detained, out of which he took stores of all kinds, and sold them by auction, and was about to sail in her to Buenos Ayres, for the purpose of attending the trial as to her and her companion's condemnation." [1094]

"... carrying "Maria of Magellan", an important leader of the Patagonian Indians, who had been a guest of the Vernet family for six months and was now (to be) landed by Congar at the Magellan Strait at her request." [1095]

At Statenland, on the same day, Oliver York aboard *Breakwater* finds the sealing crew left by *Superior* and takes them off. A note is placed in a bottle under a cairn of stones outlining what has occurred.[1096]

> *"Capt Congar, Sir, the schooner Breakwater Capt York arrived here yesterday. Capt York informs me that the Breakwater and the Harriet have been seized for sealing the Isles included in Mr Vernet's circular And he also heard that their (sic) was another such taken but did not learn which vessel it was. As I am out of provisions and the time expired which I was left here for I think best for me to take refuge with Mr York As the crew is very much insatisfied (as) they have been eating penguins for the last month. We have but 60 skins there is also no prospect of getting any more, if you come here and find this I would advise you to keep clear of Port Louis, Capt York informs me that all sealing will be stopped in future. Yours in haste P.J. Albertson P.S. I will take the boat with me."* [1097]

September 20th, at Port Louis, Vernet releases the ex-*Belleville* sealers after five weeks of imprisonment and negotiates another contract with them to seal on his behalf. [1098] The contract stipulates that they, and the others still on Eagle Island, should complete construction of the shallop (*Eagle*) and return to Port Louis before December 1st, 1831. They will then be required to work as sealers for Vernet under the flag of Buenos Aires, and with papers issued by him. They are also expected to circulate copies of Vernet's sealing regulations. In return, the men are to receive 670 silver pesos for the boat and its equipment in June, 1832. With little choice but to comply with the terms offered by Luis Vernet, four of the five sign. [1099]

1091 Archivo General de la Nación (Argentina) Digital Reference: *AR-AGN-ISAD-LVE01-S7 129 139*

1092 *Congar to Albertson September 13, 183*1 in AGN VII, 132, doc.147. *Harriet* never reached Statenland.

1093 Congar fulfilled his contract and returned to Port Louis in April, 1832. See April 4, 1832 and September, 1832, below.

1094 *Visit to the Falkland Islands* published in *The United Services Journal and Naval and Military Magazine* 1832

1095 Pascoe 2020 p.125.

1096 This note was found by the crew of *Dash* in February, 1832 and was forwarded to Silas Duncan of the USS *Lexington* in June 1832. It reached Washington in January, 1833. *cf.* December, 1831 & January, 1832.

1097 *US National Archives, Naval Record Group 45, M147.*

1098 Isaac Waldron, John Jones, William Smyley, George Lambert and William Davenport. Smyley would later try to claim damages in the USA for his treatment at Vernet's hands. Lambert would attempt the same in London. *cf.* 1849, 1850 & 1852

1099 William Davenport did not sign and apparently left Port Louis on *Elbe*. Contract in full in Fitte 1966 pp.108-109.

"... all our property the hard earnings of years of toil & endurance was confiscated or rather taken by said Vernet, my portion of which amounted in whalebone and seal skins to about £300, in value." [1100]

"Vernet took from them "as security" 198 sealskins and over a ton (2744 pounds) of whalebone." [1101]

"Under Article 3 of the contract the vessel was to be "under the flag of the Republic of Buenos Aires, with regular papers from the authority on these islands", and the contract was to run to 1 June 1832, on which date it would lapse. Under Article 4 Vernet would then buy the vessel for 400 silver dollars (pesos) and their equipment for 270 silver dollars, and the men would be free to do as they pleased." [1102]

A similar contract is signed between Vernet and five other men – Richard Wilcox, David Wetherill, John Walton, William Mitchell and Henry Holmes – to go sealing specifically in the north of East Falkland Island. [1103]

September 22nd, *Harriet*, under the nominal command of Capt. Davison but with Brisbane and eight armed gauchos on board, sails for Statenland to retrieve the sealing party left there by *Superior*. [1104]

From Port Louis, Luis Vernet writes to his agent in America, informing him of the seizure of the American ships.[1105]

September 24th, Vernet also writes a letter to the *Superior*'s owner Silas Burrows, explaining the nature of his contract with Congar and demanding that Burrows respect Vernet's rights under the contract should Congar abandon the voyage and return to his home port. [1106]

September 25th, from Port Louis, *Elbe* (John Burt) sails for Rio de Janeiro; taking Capt. Carew, two of his crewmen, together with four from *Superior* and five from *Harriet*. Also, some disillusioned settlers; Joseph Addyman and his family. [1107]

> *"... I have property there, which I was obliged to abandon on account of the tyranny and extortion of the Buenos Ayrean Governor Lewis Vernet. ... to remonstrate was out of the question, his will being the law"*[1108]

"... on 25 September 1831 the British brigantine Elbe left with just over a dozen people: Captain Daniel Carew of the Breakwater and the remaining crewmen of the American ships Vernet had seized, plus the disgruntled British settler Joseph Addyman, his wife Jane and their children. All of them were incensed at Vernet's treatment of them, and left the islands in disgust. There remained roughly 114-115 people;..." [1109]

1100 *Lambert to Malmesbury February 27, 1852* in *PRO FO/6/502.* Presumably, the whalebone had come from washed up carcasses, as the sealing party had had no means to catch whales. See August 17, 1831, above.

1101 Pascoe 2020 p.125 citing Vernet's report to Vicente Maza August 10, 1832. Quite how these could act as security when Vernet claimed that they had been taken illegally from his territory, is unclear.

1102 Pascoe 2022 vol.2 p.36. Art. 5 stipulated that once the vessel had been completed that the men should return to Port Louis for supplies and "*regular papers*.."

1103 All but Wilcox had been crewmen on *Harriet*. See Pascoe 2022 vol.2 pp.35-36

1104 Caillet-Bois 1982 pp.243-244

1105 Vernet would seem to have had a long association with the Krumbhaar family, originally from Hamburg (as was Vernet) and then Philadelphia and Washington DC. Vernet worked for the family in Philadelphia for a period, before traveling to Argentina. The elder was Christian Ludwig Lewis Krumbhaar, who seems to have become something of a father figure for the young Vernet. See below.

1106 Pascoe 2022 vol.2. p.33

1107 See May 13, 1833 below.

1108 *Addyman to Rear Admiral Sir Michael Seymour May 13, 1833* in *PRO FO 118/31.* In full in Pascoe 2022 vol.2 pp.40-41

1109 Pascoe 2020 p.89.

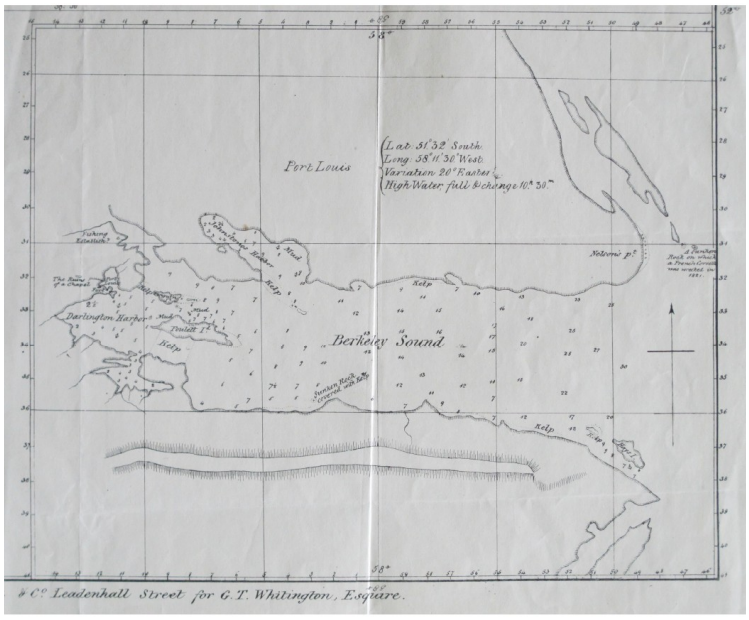
Now sailing in the west of the archipelago, *Harriet* encounters *Elizabeth Jane* (Nash). Aware of what has happened, Nash threatens to seize *Harriet*.

"... near New Island there was a clash with Elizabeth Jane, Captain James Nash, which forced the abandonment of the Harriet's voyage. Nash had mounted six guns in the Elizabeth Jane (two taken from Patagonia), and according to Vernet he threatened to retake the Harriet, which had only one gun; Vernet said Davison did not want the Elizabeth Jane to attempt a rescue for fear the Harriet might be damaged. At all events, rather than risk bloodshed and damage, Brisbane gave up the plan of rescuing the men on Statenland... and returned to Port Louis in the Harriet..." [1110]

September 27th, from Port Louis, the *Sir Andrew Hammond* (Cuthall) sails.

October 13th, *Harriet* returns to Berkeley Sound.

In Buenos Aires, Stephen Henry Fox finally arrives as the new British Minister Plenipotentiary.


Port Louis
Berkeley Sound
Darlington Harbour
Kelp
Kelp
Kelp

The number of persons altogether on the island consisted of about one hundred, including twenty-five gauchos and five charruas, Indians. There are a few Dutch families, the women of which milk the cows, and make the butter. Two or three Englishmen, a German family, and the remainder made up of Spaniards and Portuguese, pretending to follow some trade, but doing little or nothing. The gauchos are chiefly Spaniards: their captain or "the Chief of the Gauchos" is a Frenchman. ... One gaucho was worth fifteen hundred dollars, and an Irishman who had been a gaucho, and had come to the island in Don Vernet's debt, had not only paid it off, but had been enabled to give him seven hundred and fifty dollars for a building which he had converted into a store."[1114]

"His (Vernet's) house is long and low, with a single floor and very thick stone walls. I found there a good library of Spanish, German and English works, during the meal there was lively conversation, in which Mr. Vernet and his wife, Mr. Brisbane and others; in the evening there was music and dancing. In the room there was a large piano; Mrs. de Vernet, a Buenos Aires woman, let us hear her excellent voice, which sounded not a little strange in the Falklands, where we only hoped to find some sea-lions." [1115]

Langdon is also impressed.

"... there was in the hall a rich piano forte by Stoddart, which served to accompany D. Vernet in his singing; this Lady has a beautiful voice. It was not without great admiration that we heard the bellaria de tanti palpita in the Falkland Islands, where we [sic] hoped to find more than miserable fishermen"[1116]

"The Establishment began to yield benefits – certainly derisory – after 1828, when the exports were leathers and salted meat. Over the next three years, the villagers obtained other well-received products in the American and European markets, all of which allowed for years of prosperity for Puerto Soledad.... at the end of 1831, the exports of Puerto Soledad already totaled thirty-three thousand nine hundred and sixty-six pesos." [1117]

"The over idealised depictions of life at Port Louis ... are seriously misleading. In the first place, the population was very far from stable – it fluctuated constantly in its total number and in its composition, and had a large "floating" element of people who came and went." [1118]

October 24th, in the USA, *Breakwater* arrives at its home port of Stonington, Connecticut. [1119]

October 25th, on East Falkland Island, thirty-five settlers sign a petition addressed to Luis Vernet.

"The petitioners put forward that the mere notifications made to fishermen were not enough, because they did not obey them, and refer to the facts as follows: In order to increase the number of sea lions, settlers had been banned from hunting in the time of the calving, and the fishermen did not respect it (the calving) and killed calves and pregnant sea lions, driving the mothers away, for which reason the extinction of sea lions was feared. ... They ask: 1. to report this information to the governor of Buenos Aires, and demand the effectiveness

1114 *Visit to the Falkland Islands* published in *The United Services Journal and Naval and Military Magazine*, 1832. The author's name was not provided, but it seems likely that it was George Whitington. The Gaucho's chief was Jean (Juan) Simon. The Irishman – William Dickson.

1115 Whitington (?) quoted in Caillet-Bois 1982 (6th ed.) p.216

1116 *Ibid.* p.216 fn.9 citing *Jornal do Commercio, Rio de Janeiro* 1833 vol. I n° 8 April 4 1833 p. 1 col. 2

1117 Caillet-Bois 1982 (6th ed.) pp.220-221. Moot. Based upon a list of goods – skins, hides, meat, etc. – exported from Soledad Island to Buenos Aires, but makes no allowance for costs. Caillet-Bois's conclusion is disputed.

1118 Pascoe 2022 vol.2 p.48

1119 *The New York Evening Post* October 27, 1831

of the exclusive privilege granted to the fishing colony on the shores sea; 2. to request protection in favor of the same colony against the recidivists." [1120]

October 29th, at Port Louis, William Langdon and Louis Vernet reach an agreement. [1121]

> *"I herewith hand you the Document of your appointment for the colonisation of that tract of Land of the East Falkland Island which is comprised under Section Number three."*

"... Vernet, after gathering the most complete and accurate information possible, proceeded to draw up a plan in which the fundamental part would be in charge of the agents who, by then, were already appointed. He divided the island into eleven sections, each of which would be in charge and under the inspection of a person or agent, who should act independently of the establishments that were founded or that would henceforth be founded. The lands were classified as first, second, third and fourth quality lands." [1122]

"... on 29 October Vernet granted Langdon ***possession*** *of "Section N° 3" on the English map, and wrote Langdon an elaborate 16-page land-grant contract, entitling him to sell land to settlers in his own section and/or in other sections, and with blanks left to be filled in with the names of settlers he had recruited."* [1123]

The agreement includes a plot of 10-square miles for Langdon; *"... as your property for ever..."*. [1124]

> *"It must be understood that by lots of land of first quality, we mean those that have one of their sides on a navigable cove or sheltered bay: by navigable coves must be considered those that from their mouths to a more or less long distance form a sheltered bay for ships of more or less draft, say ten to twenty-four feet and are navigable by boats to where the tides flow or what is the same to their origin. Lands of second quality means those lots that are not bathed by navigable waters and whose nearest part will be a mile away from the shores of a bay or cove. By lands of third quality those whose nearest part is two miles away and of fourth quality those whose nearest part is three miles away or more from such navigable waters."* [1125]

"Don Vernet has divided the island into eleven sections: one he has colonized, and another he has sold to Lieutenant Langdon, to whom he has given a deed of grant, authorizing him to let other portions of the land to persons willing to emigrate to the country. This tract consists of about ten square miles, of six hundred and forty English acres each, as his property for ever, with a proviso that he, or some person appointed by him, shall settle on it within a given time. He has also empowered Lieutenant Langdon to distribute, gratis, among

1120 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887. Clearly organised by Vernet.

1121 *Vernet to Langdon October 29, 1831* in *AGN VII, 129, doc.120*. See May 31, 1834. There is no evidence of payment.

1122 Caillet-Bois 1982 (6th ed.) p.228

1123 Pascoe 2022 vol.2 p.50. My emphasis. Pascoe refers to the map (above) as Vernet's 'English' map, as all the names are in English. This in contrast to an earlier map where all names and descriptions were in Spanish. See December, 1828. The chart above contains a hyperlink allowing access to a larger, readable, copy. For an 1834 chart of these land sections, see - https://falklandstimeline.files.wordpress.com/2019/04/1831-published-1834-for-g.-whitington-london.png

1124 Letter to Langdon in full in Pascoe 2022 vol.2 pp.50-51

1125 Vernet quoted in Caillet-Bois 1982 (6th ed.) p.228 fn.30. Caillet-Bois also notes that - *"The second section was given to P. V. of Hamburg, the third to G. Langdon of London, the fourth to A.D. and C. of Saxony, the fifth to H. P. G. V. of England, the sixth and seventh to L. Kumbhaar of North America, the eighth to H. P. G. V. of Germany, the ninth to M. B. S. of Scotland, the tenth to I. H. from Scotland, and the eleventh to O. H. K., from Holland."*. No source or further information provided.

ten families willing to emigrate, certain portions of the land. The above deed sets forth the condition under which emigrants will be received, and also Don Vemet's ideas on the subject of colonization." [1126]

"*Langdon was authorized to distribute free to ten heads of households .., and to each one a square lot of prime quality land (measuring one hundred English acres). Each of these ten heads of household was then allowed to distribute free five square lots of fifty acres each of second-quality land to five of his friends – also heads of household and six more square lots of twenty-five acres each of third-quality land to six single or married individuals. The third article entitled Langdon to sell a hundred square miles of land, in lots of one square mile, 640 acres each, in the same sections, for the price of one pound sterling per acre of land of the first quality; 15 shillings per acre of second quality; 10 shillings per acre of third quality, and five shillings per acre of fourth quality. These amounts had to be paid to Vernet in cash or at the time of giving possession of the land to the interested party. Langdon may have greater extensions, even if it invades the jurisdiction of other sections. For its part, the one given to his name was only valid until January 1, 1835. As for the settlers, they had to commit themselves to "respect the legitimate authority of the country and therefore also its laws and to be willing to forget prejudices and natural animosities, so frequent among subjects of rival nations". And to avoid inconveniences with "ghost" or "invisible" settlers, he pointed out that the buyer of land must before the year take possession by himself or by means of power before a notary; those who had received free lots of land had a somewhat longer term: five years. Vernet, for its part, undertook to provide cattle and horses, sufficiently domesticated, at moderate prices and in proportion to the land the applicant possessed. An ox or bull would be sold for four pounds, a cow or veal for four pounds and ten shillings, and a horse for six pounds. He held the settler responsible for any damage suffered by cattle on the island and of which he was the sole owner. And he declared that in the first city which he could found, the landowner, for every hundred acres of which he was possessor, was entitled therein to a free lot, as well as to two free acres of forest on the Island of the States "on the shores of sheltered bays." He concluded the long and detailed agreement with an exposition of the obligations of the settlers, to whom he recommended to remain in the establishment a considerable number of years, for which he bound them with a solemn contract. ..."* [1127]

In the United States, on the same day, a news report appears in the *United States Gazette.*

> *"From the Falkland Islands: Arrival at Stonington Con., on Monday Schooner Breakwater from the Falkland Islands, wither she sent on a sealing voyage. The B. put in at Port Louis, where she was forcibly taken possession of by Vernet the Governor acting as he said under the decree of the Buenos Ayres Gov., forbidding all fishing <u>in those seas.</u>*
>
> *A guard of 5 men was put on board, whom the Mate Mr. Yorke of this city and two seamen contrived to shut below during the night and to retake the Schooner. She then proceeded to a place where some of her men had been left, landed the guard, took her own men and came home. All her papers were seized at Port Louis. Schooner Harriet has also been seized under similar circumstances. There are 8 or 10 Schooners and several ships about which a good deal of anxiety is felt.*
>
> *The claim of jurisdiction over the Falkland Islands, set up by the Government of Buenos Ayres, our government has formally declared it will not recognise."* [1128]

Read by Vernet's agent, Ludwig (Lewis) Krumbhaar, who immediately writes to Washington DC.

1126 *Colonial Office Memo* dated February 25, 1832 referred to in *Memorandum Respecting the Falkland Islands* G. de Bernhardt 1911. See also *AGN VII, 129, doc.120 & PRO FO 6/499 f.102-103*

1127 Caillet-Bois 1982 (6th ed.) p.229.

1128 *AGN VII 129 doc.105*.

"It was learned on the arrival of Breakwater that our government did not recognize the right of sovereignty claimed by the Republic of Buenos Aires over the Falkland Islands. (As) it was a very important point I addressed a letter on this subject to the Secretary of State..." [1129]

That same day, US Secretary of State Edward Livingston responds to Krumbhaar's inquiry. [1130]

"Measures were taken by my predecessor to ascertain on what foundation the claim of jurisdiction to these islands rested; but the sickness and death of Mr. Forbes, our charge d'affaires at Buenos Ayres, had for a time interrupted the investigation. Our right of fishery, however, in those seas, is one that the government considers indisputable, and it will be given in charge to the minister about to be sent there, to make representations against and demand satisfaction for all interruptions of the exercise of that right." [1131]

"... it is not possible to maintain that the Americans had acquired by custom the right to fish on those coasts; and that, if they did, it was in contravention of the laws prohibitive and against the express will of the territorial sovereign." [1132]

October 31st, at Rio de Janeiro, Master Commander Benjamin Cooper takes command of the US station. He orders the USS *Lexington* (Captain Silas Duncan), to sail for Montevideo.

"You will use the utmost vigilance, energy, and activity, consistent with the neutral character of our country, in protecting the rights and commerce of the United States in that quarter." [1133]

In the United States, the *Stonington Phenix* carries an article entitled *"Shameful Outrage,"* with an editorial demanding that the US Government establish a settlement in the Falklands, to ensure a friendly port for American ships. [1134]

November 1st, at Port Louis, Langdon,who is already carrying a menagerie from Australia for the Surrey Zoological Gardens, adds geese from the archipelago.

"... the first ever imported into this country, and are by far the most beautiful of their class. The plumage much resembles that of the bustard, with pale yellow legs. They have not the disagreeable cackle of their family. Should success attend the breeding from these birds, they will form a beautiful addition to our farmyard." [1135]

Before sailing, Langdon also takes on a cargo of seal skins. [1136]

1129 *Krumbhaar to Vernet December 23, 1831*, quoted in Caillet-Bois 1982 p.262 fn.34

1130 Clearly the Krumbhaar family were well connected.

1131 Dated October 29, 1831. Quoted in *Davison v Seal-Skins*, *Circuit Court D, Connecticut 1835 case No. 3661* with the wrong date of October 29, 1830 (Forbes died in June, 1831). *cf.* December, 1831. *cf.* 1854

1132 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887. American whalers and sealers had been hunting at the Falkland Islands since 1775.

1133 US National Archives, Washington, *Naval Record Group 45, M147, microfiche 16.* This appears unconnected to Vernet's seizure of the American ships; news of which had yet to reach Rio de Janeiro. For papers relating to Duncan, see https://falklandstimeline.files.wordpress.com/2018/03/silas-duncan-commanding-uss-lexington-orders-letters-1831-32.pdf

1134 Surprisingly *Phenix*, not *Phoenix*. This report was possibly the source of a persistent rumour that the USA was considering occupying the archipelago.

1135 *Yorkshire Gazette* Saturday February 4, 1832

1136 Seemingly these were, or included, the seal skins confiscated from the ex-*Belleville* sealing crew. Taken as a '*guarantee*' of their completing their contract. As they had not breached that agreement, this would appear to amount to a criminal offence of theft by Luis Vernet. *cf. Davison v Seal-Skins, Circuit Court D, Connecticut 1835 case No.3661*

"For its part, Thomas Lawrie transported 212 fine wolf hides, 407 dozen rabbit hides and 100 cow hides which, sold in England, produced a profit of four hundred and eighty-two pounds sterling and eleven shillings. That is to say that, at the end of 1831, the exports of Puerto Soledad (sic) already totalled thirty-three thousand nine hundred and sixty-six strong pesos." [1137]

On the same day, Vernet certifies that the house he ordered to be built for Gregorio Sanchez and his family is now the property of Sanchez.

> *"... he having paid for it the sum of One hundred and twenty dollars. But if he should happen to leave the house on his departure from this island he must return it to me for the same amount..."* [1138]

"The most important building or "Main House", which served as headquarters for the Command, was about eighty feet long, with a depth of ninety and a height of twelve. The lower part of its walls was made of lime and stone, but not the rest, ... only stone and clay intervened. Then came a "Little house called the oven" (n° 2) (inhabited by the leather staker); the "House of the garden" (n° 3), built like the previous one with lime and stone (inhabited by the gardener of the Colony); crossing a small bridge led to a second area of the port that extended to the very entrance of the cove and which included the following constructions: In the foreground, a small house (n° 4), close to the aforementioned bridge, and which served as a room for the blacksmith and the stoneworker (their material, stone and clay), and a little more distant, another of medium size and also built with stone, Julio Grossi's lodging (n° 5). Nearby stood the houses of the Colonial surgeon and two families: Klein and Hagener (No. 6 and 9) (both rooms made with lime, stone, stone and clay). At a greater distance, but always in the vicinity of the shore, two other houses (n° 7 and 10) (served as accommodation for one of the farm keepers) and, finally, beyond the pier, the warehouse and the pantry room, Guillermo Dickson (n° 8). In total ten houses, of which only four had wooden roofs. The rest had straw or reed as their top cover, with which the island was abundantly provided. ... For the cattle, the inhabitants had in Puerto Soledad two large and old corrals (one was located at the entrance of the interior port, in the place where an old Spanish fort, then in ruins, was built);... Such was the content of the Eastern Malvina at the end of 1831." [1139]

November 3rd, from Rio de Janeiro, USS *Lexington* sails for the Rio de la Plata.

November 5th, on East Falkland, Luis Vernet appoints ex-*Belleville* sealer William Horton Smyley as the branch pilot for Port Louis, Port William, Choiseul Bay and other; *"... ports, bays and waters under my jurisdiction."* [1140]

Vernet also draws up a '*commission*' for the Eagle Island sealers in which he refers to their shallop, *Eagle,* as *Aquila*. [1141]

1137 Caillet-Bois 1982 p.221 citing '*Cuenta del liquido producido de todas las 4exportaciones hechas por mi cuenta de la Isla Oriental de Malvinas desde 1826 hasta fines de 1831, sacada en resumen de las respectivas cuentas de venta de su referencia'* in *Copias de las Colecciones de documentos marcadas, etc., f.86.*

1138 *CO 78/43*. This from amongst the documents collected in consideration of Vernet's claims against the British Government between 1852 and 1858. This house was sold to Juan Simon, acting as Vernet's agent, on January 19, 1832. *cf.* 1852, 1856 & 1858

1139 Caillet-Bois 1982 pp.215-216.

1140 Tatham (ed.) 2008 p.500. Despite a seeming change in their relationship, Smyley subsequently petitioned US Senator Seward asking that the American government intervene on his behalf with regard to '*injuries*' to person and property by Luis Vernet. *cf.* November, 1849

1141 Dated November 6, 1831. The vessel's name change caused some confusion among later historians. For an examination of the myth of *Aquila* created by Antonio Gomez Langenheim in 1939, and others, see Pascoe 2022 vol.2 pp.65-67. Coincidentally (?), the French explorer Bougainville had an *Aigle* at the Falklands in 1764. See *Falklands Wars* vol.1

"Smyley himself, of course, was not at Port Louis at the time; he was on Eagle Island with the other Belleville men, busy completing the shallop Eagle. The "branch pilot" document was evidently left at Port Louis for Smyley to pick up later, together with the original of the commission for the Eagle, intended to be signed personally by her crew." [1142]

At Rio de Janeiro, *Elbe* anchors in the port. Passenger and ex-settler, Joseph Addyman, informed by Vernet that he could redeem his paper tokens with the Agents Rostron & Dutton, discovers that the agents have no money held on Vernet's account. Also *Elbe*'s cargo of seal skins are deemed worthless, after suffering from "*damp*".

"... from the want of funds, we were under the necessity of dishonouring two orders he (Addyman) had upon us drawn by the Governor of the Islands L. Vernet." [1143]

November 7th, leaving Port Louis, Luis Vernet sails for Buenos Aires in *Harriet*; accompanied by his wife, four children, five male servants and four female household slaves. In total there are 29 people aboard including Capt. Davison.[1144] In the hold are the majority of Vernet's documents and archives, together with 2,744 pounds of whalebone. [1145]

"... the only vessel at the Island (the schooner Harriet) was, after a detention of three or four months, taken by Vernet to Buenos Ayres to suit his own purpose, and to transport his family and most of his effects." [1146]

"... on 7 November 1831 Louis Vernet left the islands in the American schooner Harriet with his wife and children and some of his white servants and black slaves, totalling 29 people including the ship's crew (over a quarter of the remaining land-based population;..), leaving about 85,.." [1147]

At Port Louis, some 80 people remain – settlers and gauchos. Ex-*Belleville* owner, Henry Metcalf, is left in charge of both the settlement, and the principle business of cattle hunting.

"...Vernet went from Malvinas to Buenos Aires, having left to represent his authority Don Enrique Metcalf." [1148]

"It can be calculated – according to Vernet – that, from 1826 to 1831, 5,553 head of cattle were consumed, which at the rate of fifteen strong pesos each (result of the wages of the rubbers) imported the sum of $83,295."[1149]

Matthew Brisbane is to take responsibility for the sealing operations and is also authorized by Vernet to act as his private agent. [1150]

1142 Pascoe 2022 vol.2 p.58. Original in the Jane Cameron National Archive in the Falkland Islands.

1143 Rostron & Dutton in *PRO FO 118/31 159*

1144 *AGN VII 129*. Davison had agreed to pilot the ship to Buenos Aires for 50 pesos. Just two years and five months following his appointment as Commander in June 1829, Luis Vernet sailed away. Leaving behind only the piano forte, a sofa and a table, he took everything else including the chandelier. There is no clear evidence that his family intended to return. Port Louis was not, after all, a place to educate children. More likely then, that he intended to base himself in Buenos Aires from where he could attempt to advertise and grow his business interests in the Islands. Port Louis was simply too remote to facilitate effective communication.

1145 The whalebone taken from the ex-*Belleville* men in September, 1831 and subsequently held as a guarantee of their compliance with the contract he had forced them to sign. Another instance of theft by Vernet.

1146 Manning 1932 p.94. Manning did not believe that Vernet intended to return.

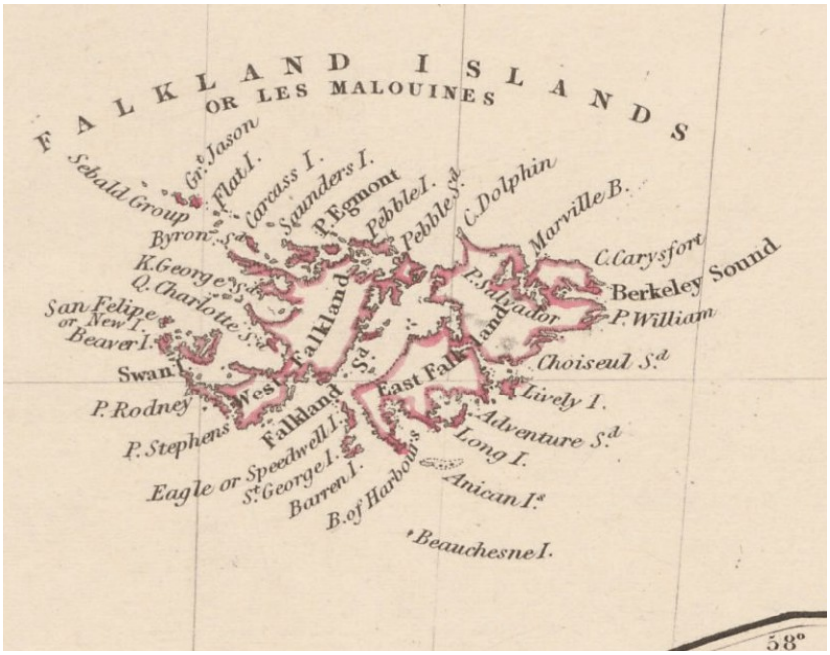
1147 Pascoe 2020 p.89. Luis Vernet left 17 indentured slaves behind when he sailed.

1148 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887

1149 Caillet-Bois 1982 (6th ed.) p.220

1150 In Vernet's instructions to Brisbane, there were no references to civil or military authority. Later assertions that Brisbane assumed the title of *'Governor'*, are inaccurate. *cf.* FitzRoy 1839 vol.2

"... (Vernet) actually seized three American Schooners for not complying with his mandate: ... proceedings he well knew could not long subsist, without his being called to account, he therefore prudently withdrew from Port Louis, leaving his concerns in charge of Messrs. Brisbane and Metcalf, two Englishmen who were in his employ, and who it is said, were active in the seizures, assisted by some deserters from the Sealing Vessels."[1151]



"Such was the state of Vernet's settlement a few months before the Lexington's visit; and there was then every reason for the settlers to anticipate success, as they, poor deluded people, never dreamed of having no business there without having obtained the permission of the British Government. They thought, naturally enough, that the Buenos Ayrean Government could not have sold the islands to Mr. Vernet, unless the state of La Plata had a right to them; they believed that the purchase-money had been paid; but they were not aware that the British Government had protested formally against the pretended claim of Buenos Ayres, so quiet was that fact kept by the Argentine Government,.." [1152]

"Louis Vernet never saw the Falkland Islands again. ... Apart from the abortive 1824 expedition, in which he had a financial involvement but took no part himself, Vernet's time in the Falklands took place in three phases: Phase 1, 1826-8: a cattle killing venture with some two dozen gauchos but no settlers and no women. Phase 2, 1828-9: Vernet as "freeholder" of East Falkland aiming to set up a permanent settlement under his concession of 5 January 1828, with gauchos and black slaves but still without women or settlers. Phase 3, 1829-31: the settlement, with gauchos, black slaves, women, children and settlers." [1153]

November 11th, in England, Capt. Robert FitzRoy, now in command of *Beagle*, receives orders for the voyage that he is about to undertake – including an instruction to survey the Falklands. [1154]

> *"... it is necessary to advert to our present ignorance of the Falkland Islands, however often they have been visited. The time that would be occupied by a rigorous survey of this group of islands would be very disproportionate to its value; but as they are the frequent resort of whalers, and as it is of immense consequence to a vessel that has lost her masts, anchors, or a large part of her crew, to have a precise knowledge of the port to which she is obliged to fly, it would well deserve some sacrifice of time to have the most advantageous harbours and their approaches well laid down, and connected by a general sketch or running survey.*

1151 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835 ADM 1/43*
1152 FitzRoy 1839 vol.2
1153 Pascoe 2022 pp.62 & 63
1154 *Admiralty Office (George Elliot) to Commander Fitzroy November 11, 1831* in Fitzroy 1839 vol.2 p.24

Clear directions for recognizing and entering these ports should accompany these plans; and as most contradictory statements have been made of the refreshments to be obtained at the east and west great islands, an authentic report on that subject by the Commander will be of real utility." [1155]

November 20th, *Harriet* arrives off the port of Buenos Aires. Twelve crew members are listed by the port authority, with Davison recorded as '*Captain*.' [1156]

On stepping ashore, Luis Vernet learns that a decree issued by General Rosas has granted the rights of fishery in Patagonia to General Lucio Mansilla.

"... General Rosas had been in power for two years, and either "forgot" or ignored Vernet's rights in Patagonia, perhaps in accord with his own declaration that the Lavalle government had been illegal and all its acts null and void. In all events, some time in late 1831 Rosas issued a decree ("the Sutton concession") granting the right of fishery in Patagonia to his own brother-in-law, police chief, General Lucio Mansilla, thus peremptorily cancelling the monopoly of those fisheries granted three years earlier to Vernet." [1157]

November 21st, discharged, Gilbert Davison leaves the ship and goes to the home of the American Consul, George Washington Slacum, where he reports Vernet's acts of seizure and imprisonment.

"Davison, Vernet has rightly written, is the "hero of the Malvinas tragedy, the tragedy of imposters."..." [1158]

Slacum immediately pens a letter to Buenos Airean Foreign Minister Tomás Manuel de Anchorena. [1159]

"The undersigned is at a loss to conceive under what possible ground a bona fide American vessel, while engaged in lawful trade, should be captured by an officer of a friendly Government, and with which the United States was happily on terms of the most perfect good understanding and amity. And he cannot bring himself to believe that the Government of Buenos Ayres will sanction an act which, under its present aspect, must be viewed as one calculated materially to disturb them." [1160]

"Mr. Slacum, immediately on his becoming informed of the arrival of the American Schooner, Harriet, at this Port from the Malvinas, initiated before this Government an irregular question, and proposed to maintain the same on incorrect and indiscreet principles...." [1161]

"Slacum swung into action immediately following the Harriet's arrival. His correspondence breathed indignation." [1162]

November 22nd, in Buenos Aires, *La Gazeta Mercantil* reports the arrival of Vernet. [1163]

1155 George Elliot quoted in FitzRoy 1839 vol.2
1156 *La Gaceta Mercantil* November 22, 1831
1157 Pascoe 2022 vol.2 p.71. Mansilla's daughter had married an American – Sutton. Never made public.
1158 Caillet-Bois 1982 (6th ed.) p.245
1159 Described as *".. a facsimile of the old Spaniards, proud, fanatic, narrow-minded, despotic and also evidenc(ing) a strong antipathy for foreigners and especially Protestants"*. The formation of the Federal Pact in 1831 had seen Buenos Aires claim the right to deal with international affairs. However, it has been argued that Buenos Aires exceeded its powers in its actions concerning the Falklands. See 1882
1160 *British and Foreign State Papers 1832-1833* London 1836 p.313. In addition, a collection of the correspondence that followed - in Spanish - can be found in *Revista de la Biblioteca Nacional* Tomo III no.10. See - https://falklandstimeline.files.wordpress.com/2023/12/collecion-de-documentos-oficiales-sobre-la-cuestion-pendiente-con-los-ee.uu_.-sobre-las-malvinas-1832.pdf
1161 *De Maza to Livingston August 8, 1832* in *British & Foreign State Papers 1831-183* pp.358-364.
1162 Peterson 1964
1163 Fitte 1966 p.36

"The political and military commander of the Malvinas, Luis Vernet arrived on the American schooner 'Harriett' (of Connecticut), which settled in this port on the last Sunday; he has been traveling with his family. The said schooner has been seized for fishing for amphibians on the coasts of said islands, without the competent authorization, in contravention of the laws of the country; and its crew composed of 10 men have been referred to the U.S.

The brig of the same nation named 'Superior' (of New York) had also been seized for the same offense, from which 1,000 sea lion leathers were removed from the vessel, and the vessel was released on bail. Another American schooner, the 'Breakwater' of Connecticut, was engaged in the same illegal traffic, but managed to escape with impunity. These facts highlight the lack of a Coast Guard in the Malvinas that supports the national and local rights, and prevent unpleasant discussions with friendly powers,.."

The newspaper also publishes Slacum's letter of complaint. [1164]

To the Buenos Aires government, Luis Vernet presents his case for the consideration of the courts.

"The undersigned sends to you the schooner Harriett accompanied by his captain Gilbert Davison and the documents contained in the packages number 1, 2 and 3 belonging to the three ships. The Superior schooner left for the coast of Chile on bail to return and be to the result of the trial that will be formed during his absence, or later, leaving the captain of the Harriett commissioned by the Superior to be his representative in the cause. The crew of the Harriett has been dissolved by mutual consent of her and her captain, and all those who wished to return to their country obtained passage on a ship to Brazil."[1165]

Minister de Anchorena notifies the Ministry of War.

"Let this note be given to the Ministry of War (together) with the petition of the inhabitants of the Falkland Islands and the accompanying documents relating to the vessels seized by the disposition of the political and military commander..." [1166]

November 23rd, at the US Mission, Davison makes out a formal complaint to Consul Slacum. [1167]

"By this Public Instrument of Protest, be it known and made Manifest to all whom it doth or may Concern..." [1168]

"... the said Gilbert R. Davison further declares to protest for himself (and) the said Stephen Congar and all and every Person interested in the aforesaid Vessels and Cargoes. And I the said Consul at the instance and request of said Gilbert R. Davison have protested and by these Presents do Solemnly Protest against the said Lewis Vernet and all person or persons acting by or under his Authority. And also against the government of Buenos Ayres for all losses Detriments Costs, Demurrages, Damage Expences (sic) that have already occurred or may hereafter occur in consequence thereof..."[1169]

1164 Supplied, seemingly, by the Ministry of Foreign Affairs.
1165 Quoted in *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887
1166 Quoted in *De Quesada a Bayard, 4 de Mayo de 1887.* Dated November 22, 1831
1167 The first of 6 affidavits.
1168 For the full text see Pascoe 2022 vol.2 Appendix A.23 citing Manning 1832
1169 Quoted in Manning 1932.

Consul Slacum then writes to inform the American Minister at Rio de Janiero, before sending copies of Davison's affidavit, and supporting papers, to Washington DC. He adds that he believes the Buenos Airean Government will attempt to justify Vernet's acts. [1170]

At Montevideo, USS *Lexington* anchors in the port. [1171]

November 25th, in Buenos Aires, responding to the Consul's letter of the 21st, Minister Anchorena writes to George Slacum.

> *"The undersigned Minister, duly replying to Mr. Consul, can only express to him that the matter of the said "Harriett" schooner is currently with the Ministry of War and Navy, and that after the customary forms have been observed, it will be considered (by the) Government, and its resolution (will be) in accordance with the laws of the country."* [1172]

"To Slacum that sounded like high-handed fobbing-off (which it was), but it also made clear that the matter would be decided not by a court but by the government, i.e. by General Juan Manuel de Rosas personally, who alone held the executive reins of government." [1173]

November 26th, Consul Slacum protests that Anchorena's reply cannot be viewed; "*... in any other light than as a virtual avowal on the part of this Government of the right of Mr. Lewis Vernet to capture and detain American vessels engaged in the fisheries at the Falkland Islands, and the islands and coasts about Cape Horn."* [1174]

> *"It, therefore, only remains .. to deny, in toto, any such right, as having been, or being now vested in the Government of Buenos Ayres, or in any person or persons acting under its authority; and to add his most urgent remonstrance against all measures which may have been adopted by said Government, including the Decree issued on the 10th June 1829, asserting a claim to the before-mentioned islands and Coasts and the fisheries appurtenant thereto... The Undersigned cannot but regret that a subject of so important and serious a nature should have arisen; but nevertheless, his duty to his Government, as well as to the rights and interests of his Fellow-Citizens, impels him to request that His Excellency the Minister for Foreign Affairs will be pleased to receive this Communication as a formal Protest, on the part of the Government of The United States against that of Buenos Ayres..."* [1175]

"Mr. Slacum would persist tenaciously in his interference. ... (in) the discussion of which solely belonged to the two Governments, or at least to Functionaries of a more elevated class than a mere Consul, Mr. Slacum went so far as not only to deny, in toto, that any right either has existed or does exist in the Republic to detain American Vessels engaged in the Fishery of Seals on the Malvinas, and the Islands and Coasts adjacent to Cape Horn; but furthermore to protest formally against all the measures that in virtue of such right had been adopted, including the Decree published under date of the 10th June, 1829, by which the property in the Islands and Fisheries was asserted, and an Administrative Authority established in the name of the Republic, that is to say, denying the sovereignty which the Argentine Republic exercises over these Islands." [1176]

1170 Caillet-Bois 1982 (6th ed.) p.246 fn.1
1171 *La Gaceta Mercantile November 23, 1831* no.2341 p.2 col
1172 Quoted in Fitte 1966 p.38. See also *Revista de la Biblioteca Nacional* Tomo III no.10 1939
1173 Pascoe 2022 vol.2 p.67. All the higher positions of government were held by Rosas' relatives by blood or marriage.
1174 Quoted in Pascoe 2022 vol.2 p.68 citing *Slacum to Anchorena* November 26, 1832 in *Colección* 1832 fol.3
1175 *British and Foreign State Papers 1832-1833* London 1836 p.314. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939. See links above.
1176 *De Maza to Livingston August 8, 1832* in *British & Foreign State Papers 1831-1833* pp.358-364

November 28th, in Buenos Aires, Minister Balcarce passes the case of the US ships to a prosecutor.

November 29th, in the Rio de la Plata, Commander Duncan, hearing of the seizure of *Harriet*, writes to Consul Slacum, requesting details.

> *"The 'Lexington' under my command is in the vicinity of this coast for the protection of the citizens and commerce of the United States. I have just heard a news that some American ships have been captured in the Falkland Islands, and I must ask you to supply me with the information that is available to you concerning that matter."* [1177]

In Washington DC, on the same day, US Secretary of the Navy, Levi Woodbury, orders Commander George W. Rodgers to sail for Brazil in the *USS Enterprise*. To take command of the USA's Brazil Squadron.

> *"...and the fishing grounds in their neighborhood, for the protection of American citizens engaged in the fisheries and in lawful commerce in that quarter. ... Should they be molested in their usual pursuits, and trade, you will afford them complete protection."* [1178]

"The directions from the Navy Department, dated 29 November, 1831, are general "to afford protection to our citizens engaged in the fisheries, and in their lawful commerce, and particularly if they are molested in their usual pursuits and trade."." [1179]

November 30th, from Buenos Aires, Consul Slacum responds to Duncan's letter; enclosing a copy of Davison's affidavit; *"... the Enclosed Documents will put you in possession of facts connected with the violent and illegal Capture of several American vessels, engaged in the Fisheries at the Falkland Islands and coasts about Cape Horn..."* [1180]

"The Consul, more fortunate than his opponents, had already solved the problem. He had listened to one of the parties, the one he was interested in, and this was quite enough. As a result, the detention was "violent and illegal"." [1181]

December 1st, Commander Duncan responds to the information provided by Slacum;

> *"... having given them proper consideration, I consider it to be my duty to proceed thither with the force under my Command, for the protection of the Citizens and commerce of The United States engaged in the Fisheries in question. ... I have to request you will be pleased to communicate a Copy of this letter to the Government of Buenos Ayres, under whose authority certain individuals have assumed to capture American Vessels, in order that no misunderstanding shall arise as to the object of my visit to the Falkland islands, and in conformity with the open and candid mode in which the affairs of The United States are conducted."* [1182]

"... Duncan then determined to proceed there "to protect the citizens and commerce of the United States engaged in the fisheries," and particularly to relieve the seven men who had been left on Staten land without the means of subsistence: this intention he communicated to the consul by note, and requested him to transmit a copy of the note to the government of Buenos Ayres, to prevent misunderstanding with respect to his visit to

1177 Quoted in Fitte 1966 p.51
1178 *Woodbury to Rodgers November 29, 1831*
1179 *Livingston to Baylies January 26, 1832* in Manning 1932 pp.4-12
1180 Quoted in Manning 1832 p.77
1181 Caillet-Bois 1982 (6th ed.) p.248
1182 *Duncan to Slacum December 1, 1831* quoted in Manning 1832 p.77

the islands, "and in conformity to the open and candid mode in which the affairs of the United States were conducted". This communication was dated December first." [1183]

In Buenos Aires, on the same day, a prosecutor appointed by Minister Balcarce presents the cases of *Harriet* and *Superior* to a prize court.

> *"Sir, the prosecutor, in view of this representation of the commander of Malvinas D. Luis Vernet, from which he directs the inhabitants of that establishment, and the documents with which they instruct his right and action for the capture that has been made of the three American vessels that were occupied on that coast in the fishing of sea lions against the prohibition of the Government and exclusive concession made in favor of said settlers, namely: the schooner Harriett, the Superior brig and the schooner Breakwater, says: That this business corresponds to be decided judicially by the judges and courts.., forming for it a record in which it is put for head of the statement of the captain of the Superior, and the report that accompanies the commander of the Falklands, the other report of the same commander on the schooner Breakwater – and the present with its documents: in consequence, necessary statements are made to the captains and crews of ships, and that the captain of said ships be heard in a contradictory judgment by the captain commander for himself and in the name of the settlers, and the parties may make in that trial the use and reference that suits them of the documents packaged in the three attached packages, referring to the three said ships, and to the precise object of establishing the right of the nation ..."* [1184]

December 2nd, at the US Consulate, Davison swears out a second affidavit. [1185]

> *"The named Declarant, Mr. Davison, captain of the aforementioned schooner 'Harriet', appeared again before the undersigned, and having duly sworn, further stated that while he was on the Falkland Islands, there was also the English brigantine 'Adeona' Captain Low, fishing there for two years or perhaps more; which took numerous seals on those islands, without being interrupted or in any way interfered with by Vernet; that in conversation with the said Vernet, he observed to the Declarant "**that he could not take an English vessel with the same freedom as he could with an American**", that this observation was made in response to a question from the Declarant, in the sense why he did not take the brigantine 'Adeona' for having captured seals at Volunteer Rocks, at the mouth of the strait; that he gave no reasons explaining the previous question."* [1186]

"That infuriated the Americans; they knew (Vernet) had not seized any British ships, and they did not feel that the British had better rights in the islands than they themselves. They would have been even more annoyed had they known that Matthew Brisbane had assured British consul Woodbine Parish in November 1830 that there would be no "interfering with any of His Majesty's Subjects frequenting those Coasts"..." [1187]

*"Britain enjoyed extensive rights **granted** by Spain in 1790 that Spain had not granted the Americans, so there was in fact a legal justification for (Vernet's) differential treatment of British and American vessels. If*

1183 Reynolds 1835 p.487

1184 Signed by Agrelo and quoted in *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887

1185 Manning 1932 p.75. In full in Pascoe 2022 vol.2 Appendix A.23 pp.678-679

1186 Quoted in Fitte 1966 p.53. My emphasis. This was particularly controversial and would be later denied by Vernet, although it clearly referred to the conversation that Woodbine Parish had had with Matthew Brisbane in October 1830; following the publication of Vernet's circular in the *British Packet & Argentine News*. *cf.* 1830

1187 Pascoe 2020 p.131

(Vernet) did not know about it when he seized the American ships, he certainly found out about it soon afterwards." [1188]

December 3rd, in Buenos Aires, the *British Packet & Argentine News* reports;

> *"The schooner 'Breakwater' has arrived from the Falkland Islands, where it hunted seals. The 'Breakwater' entered Puerto Luis, where Vernet, the Governor, took possession of the vessel by force, saying that he did so in accordance with a decree of the Government of Buenos Ayres prohibiting fishing in those waters. ... In Puerto Luis all their documents were seized. The schooner 'Harriet' was arrested in similar circumstances. There are still 8 or 10 schooners and several boats for which we fear. Regarding the alleged jurisdiction of the Falkland Islands, maintained by the Government of Buenos Ayres, our Government has previously declared not to recognize it."* [1189]

On the same day, Minister Anchorena replies to Consul Slacum's protest note of November 26th.

> *"The aforesaid Note having been placed before the Delegate Government, the Undersigned has received directions to reply, as he now does, to the Consul of The United States, that the inquiry which this affair is still undergoing in the Ministry of War and Marine, is unconnected with the resolution it may come to upon the main point, and is only intended to enable the Government to arrive at the truth, in order to act as in justice bound; that it cannot admit the said Communication of the Consul of The United States as a formal Protest of his Government against that of this Province; as, besides its being untimely, the Consul does not make it appear that he is especially authorised for this purpose; and the Government considers that he is not, from his being only invested with the character of Consul, and the more so as it is an indubitable fact that the Government of the United States possesses no right to the afore-mentioned Islands or Coasts, nor to the fisheries thereon, whilst that vested in this Republic is unquestionable;..."* [1190]

"The letter of the Minister could very well be described as a call to order, ..." [1191]

"Slacum was the only person in Buenos Aires who could defend US interests, so Anchorena's refusal to recognise his credentials, though formally correct, was exceedingly unhelpful and amounted to a refusal to negotiate." [1192]

Slacum sends Minister Anchorena a copy of Commander Duncan's letter of December 1st. [1193] Persuaded by Slacum to delay his departure for the Falkland Islands until the 9th, Duncan writes to inform Commander Cooper at the American station in Rio de Janeiro.

> *"... I will go to the Falkland Islands and Statenland to protect the commerce of the citizens of the United States, as soon as I can secure a shipment of provisions on board ... Having left the said islands with his family and personal effects, Lewis Vernet has left directives to an individual acting under his orders, named Metcalf, to capture any fishing vessel he encounters around the islands,*

1188 Pascoe 2022 vol.2 pp.70-71. My emphasis. 'Given up' would be more accurate than 'granted'. In any case, the applicability of the 1790 Nootka Sound accord to the Falkland Islands is disputed, although it most certainly did apply to the South American coastline. For a detailed analysis see 1790 in Vol.1

1189 Quoted in Fitte 1966 p.37

1190 *British and Foreign State Papers 1832-1833* London 1836 pp.316-317. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939

1191 Caillet-Bois 1982 (6th ed.) p.248

1192 Pascoe 2022 vol.2 p.71

1193 Pascoe 2022 vol.2 p.69 citing *Colección* 1832 fol.5. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939 p.184

although it can be seen by the statements included, that he is not considered authorized to disturb the English boats! He can not, he said, capture the English as freely as he can with the Americans." [1194]

December 6th, Foreign Minister Anchorena acknowledges receipt of the copy of Commander Duncan's December 1st letter to Consul Slacum. Anchorena informs the American Consul that the letter has been passed to the Minister of War. [1195]

In Washington DC, President Jackson makes reference to the dispute in his annual 'State of the Union' address.

"I should have placed Buenos Ayres in the list of South American powers in respect to which nothing of importance affecting us was to be communicated but for occurrences which have lately taken place at the Falkland Islands, in which the name of that Republic has been used to cover with a show of authority acts injurious to our commerce and to the property and liberty of our fellow citizens.

In the course of the present year one of our vessels, engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the Government of Buenos Ayres.

I have therefore given orders for the dispatch of an armed vessel to join our squadron in those seas and aid in affording all lawful protection to our trade which shall be necessary, and shall without delay send a minister to inquire into the nature of the circumstances and also of the claim, if any, that is set up by that Government to those islands. In the mean time, I submit the case to the consideration of Congress, to the end that they may clothe the Executive with such authority and means as they may deem necessary for providing a force adequate to the complete protection of our fellow citizens fishing and trading in those seas..." [1196]

Secretary of the Navy, Levi Woodbury, notes in his own report to Congress; *"The Brazilian station has afforded little active employment to the squadron stationed there: and nothing has disturbed our navigation there, save a recent, and, it is believed, unprecedented claim to the Falkland Islands."* [1197]

In Buenos Aires, Consul Slacum writes again to the Foreign Minister, to inform him that Commander Duncan has been persuaded to delay his departure.

"... in order to wait the receipt of any Communication which the Government of this Province may think fit to make [1198] *... with reference to the immediate suspension of the exercise of the right to seize the ships of the United States, who are fishing within the limits deemed to be subject to the jurisdiction or authority of Mr. Vernet..."* [1199]

"And also, coupling with such suspension the immediate restoration of the legitimate Owners or Agents of the Schooner Harriet now detained as a Prize to this Government at this Port, as well as of all the property illegally taken out of the said Schooner at the time of her capture or since; or from American Citizens, at the Falkland islands or elsewhere, by the said Vernet or his Agents..." [1200]

1194 Fitte 1966 p.60

1195 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 p.185. Also Reynolds 1835 p.487

1196 It appears strange, at such an early stage of a dispute, for an American President to weigh in and make comment. Perhaps worth noting that Silas E. Burrows, owner of *Harriet*, was not only wealthy but politically well-connected.

1197 *The Sailor's Magazine and Naval Journal* January 1832

1198 Quoted in *British and Foreign State Papers 1832-1833* London 1836 pp.318-319. See link above.

1199 Quoted in Caillet-Bois 1982 (6th ed.) p.249 citing *Coleccion de documentos oficiales* doc.VIII

1200 Quoted in Pascoe 2022 vol.2 p.73

"... the consul addressed another communication to the minister, informing him that Captain Duncan would delay his departure until the ninth, to receive communications from the government of Buenos Ayres, having reference to the suspension "of the exercise of the right to capture" the fishing-vessels, and the restoration of the Harriet and her cargo, and to place things as they were previous to the seizure of the vessels. He informed him, that the anxiety of Captain Duncan to relieve the seamen on Statenland, and to prevent future captures, was the cause of his haste: – that the proposition was based on a suggestion in one of the minister's communications, of a desire on the part of the government of Buenos Ayres to settle the question as to the right of fishery, by a direct understanding with the government of the United States; and he urged the propriety of suspending the seizures, and placing things on their former ground, until an attempt should have been made to settle the question amicably. In the same note the consul contended for his right to protest, when the interest of American citizens was concerned; and he averred, that in doing so he acted by the authority of his own government – and that he had been considered and treated with as the representative of the government of the United States, since the death of Mr. Forbes, the chargé d'affaires." [1201]

"The ultimatum, as the Slacum note could be called, demanded nothing less than that the State suspend the exercise of a right, not only in territorial waters, but on coastlines, whose possession they could never honestly dispute. Such, for example, the beaches of Statenland, whose possession, unlike ... the archipelago, was not claimed by any power. But the aggressive communication did not stop here. It also demanded the "immediate return" of the Harriet to more than all the stocks confiscated on board her; in a word, "restoring them to the state in which they were before said capture, and to the exercise of the traffic in which they were legally engaged", a situation that should continue without any hindrance until both governments agreed to an arrangement." [1202]

"In other words, Slacum was calling upon the Buenos Aires government to disavow Vernet's acts and make full restitution of American losses." [1203]

Informed that the USS *Lexington* is to sail for Port Louis, Luis Vernet writes letters for Henry Metcalf and Matthew Brisbane in the belief that the American warship will facilitate delivery.

> *"... it is said (Duncan) goes to relieve the boats crew of the Schooner Superior, and to apprise American fishing vessels of the danger they run if they persist in the same."* [1204]
>
> *"This is sent by the American corvette Lexington, Captain Duncan, who is said to be going to take the United States fishing vessels away from the coasts of the Republic and also to rescue the crew of Captain Congar's boat in Statenland. The decision concerning the ships will not be known for two months, but it is generally believed that they will be condemned, since the government intends to protect the Colony effectively…"* [1205]

"Louis Vernet heard that the Lexington was about to leave for the Falklands – but assumed that Duncan was going to help him in his campaign against American sealers!" [1206]

December 7th, Commander Duncan writes to Secretary of the Navy Levi Woodbury.

1201 Reynolds 1835 pp.487-488
1202 Caillet-Bois 1982 (6th ed.) p.249
1203 Pascoe 2022 vol.2 p.73
1204 *Vernet to Metcalf, December 6, 1831* in *AGN VII, 136, fol.103.* In full in Pascoe 2022 vol.2 p.74
1205 *Vernet to Brisbane, December 6, 1831* in Caillet-Bois 1982 (6th ed.) p.250 fn.11
1206 Pascoe 2022 vol. 2 p.73

"... I arrived at this place on the 29th ulto and was informed that several American vessels had been captured at Falkland Islands by one Lewis Vernet styling himself Governor and proprietor and assuming to be acting under the Authority of the government of Buenos Ayres.- Herewith I enclose copies of letters and documents relating to the affair ... It will be seen that these vessels have been illegally captured and that some of them have been plundered by this Lewis Vernet without any authority whatever.- ... I have now on board the Lexington, as a Pilot, the master of the prize Schooner Harriet who can identify the individuals by whom he has been plundered, and I shall not only disarm these miscreants but remove them from the Island, as the only effectual mode of preventing a recurrence of such outrages." [1207]

Silas Duncan then writes directly to the Buenos Airean Foreign Ministry. [1208]

"I have it in proof, upon oath, that Lewis Vernet, now a resident at this place, did plunder the American Schooner Harriet of almost every article on board said Schooner while lying at the Falkland Islands. The object of this Note is to request, that the said Lewis Vernet, having been guilty of piracy and robbery, be delivered up to The United States to be tried or that he be arrested, and punished by the Laws of Buenos Ayres."

"On the seventh of December, Captain Duncan addressed a note directly to the minister of foreign affairs, declaring that he had it in proof that Vernet did plunder the schooner Harriet; and re quested, that inasmuch as he had been guilty of piracy and robbery, he should be surrendered to the United States for trial, "or that he be arrested and punished by the laws of Buenos Ayres." ..." [1209]

Realising his error as regards Commander Duncan's intentions, Luis Vernet writes to him that same day.

"... several news reports have circulated many days in relation to occurrences that are said to have taken place in the Malvinas Islands after the arrest of the sealer schooners, which if they were true would be detrimental to my reputation, I have made no case of them for the certain knowledge that I had of their falsity and because I figured that without being tested they would not be believed. But, knowing that one of my people, at the time of asking his Excellency for a passage in the Lexington to the Malvinas, that his Excellency asked him if he wished to go to help plunder more ships, I must believe it or that I was misinformed and that it was not so expressed, or that your Excellency has been surprised by a perverse misrepresentation of the matter, and, by my silence, I would put myself in a very bad position... I conclude this letter in the firm persuasion that your Excellency suspends any opinion that would have formed contrary to my honor, at least until the research that I have requested, has taken place." [1210]

"On December 7 Vernet knew (of) Duncan's opinion, which prompted him to write an extensive letter aimed at putting things in their rightful place, (regarding) distorted accusations and unfounded opinions. The letter is clothed with a tone of firmness and gravity appropriate to the moment and the position occupied by its author... (Vernet) asked Duncan to accept a confrontation between himself and Davison, from which would emerge whether the accusations were fair or not." [1211]

Duncan's response to Vernet is terse.

1207 *Duncan to Levi Woodbury, Secretary of the Navy December 7, 1831.* In full in Pascoe 2022 vol.2 pp.75-76
1208 *British and Foreign State Papers 1832-1833* London 1836 pp.319-320
1209 Reynolds 1835 p.488
1210 Fitte 1966 p.66-68.
1211 Caillet-Bois 1982 p.250

"The commander of the Lexington has evidence and under oath that the schooner Hariet was sacked of almost all the articles that had on board by order of Luis Vernet, being called Governor and proprietor of the Falkland islands." [1212]

"... laconic and offensive.." [1213]

Informed that Capt. Davison has boarded the USS *Lexington*, Luis Vernet submits a complaint which is referred to the Attorney-General of Buenos Aires. Vernet argues; *"... that the departure of Mr. Gilbert Davison, Captain of the American Schooner Harriet, should be prohibited until he should leave an Agent duly authorized;.."* [1214]

"Vernet requested that the captain of the schooner Harriett be told not to absent himself without a proxy to pursue the cause, but Captain Davison, before he made the notification, embarked on the American schooner Lexington." [1215]

December 9th, in England, the *London Evening Standard* reports;

"By advices from the Falkland Islands we hear that a decree of the Buenos Ayres government had appeared claiming the sovereignty of those islands. Several American vessels had been seized for an alleged infringement of this right, which, however, it was understood the government of the United States would refuse to recognise."

From Buenos Aires, George Slacum writes, once again, to Secretary Edward Livingston in Washington DC.

"Doubtless our Government are well aware that the Government of Buenos Ayres has no legitimate right to the Islands and Coasts in question, and it would be presumption in me to offer any elucidation of the matter. I will however remark that I have been informed by the British Consul General that England has never abandoned or given up her right to them, and that at the time of the publication in this place of the Circular letter &c of Vernet he made a proper Communication upon the subject to this Government, ... within a few hours Captain Duncan will proceed to the Falkland Islands to protect our Commerce and Citizens, by depriving these adventurers of the means of annoying them, the leader of whom Mr. Lewis Vernet is a German, and not long since a bankrupt, but now boasts of having made One hundred thousand Dollars by the Capture and pillage of American Property. He received his Authority under the Decree 10th June 1829. during the few months of the Revolutionary Government of General Lavalle ..." [1216]

After two days absence, Anchorena writes to tell Slacum that Davison should not leave the city.

"... orders having been issued to the Captain of the Port to prevent the departure of the said Davison, that Officer returned for answer that having given the suitable directions to the Adjudant (sic) of the Port, the latter reported that, previously to their receipt, Captain Davison had embarked in a Boat of The United States Ship Lexington, to go on board that Vessel.

And as such a step on the part of Captain Davison appears to be calculated to embarrass the legal proceedings and the just decision of the Case of the before mentioned schooner Harriet; the Undersigned has received orders from the Government of this Province to require, as he now does, that the Consul of The United States will have the kindness to notify to Captain Gibert Davison, not to

1212 Quoted in Fitte 1966 p.68
1213 Vernet in Caillet-Bois 1982 p.250
1214 *British and Foreign State Papers 1832-1833* London 1836 p.320.
1215 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887
1216 *FO 6 /499.* There is no record of any exchanges between Slacum and Woodbine Parish, although it seems likely.

absent himself from this Province without leaving an Agent duly authorized to represent him and act for him in the said affair; with the understanding that his refusal or omission in this respect, will render him liable to all the damages resulting therefrom according to Law." [1217]

In a second letter to Slacum, dated that same day, Minister Anchorena tells the Consul that he does not have any right to; "*... interpose himself before the Government of this Province in a private contentious affair, in which there are parties who can exercise their rights, either by themselves or through their Agents ... the Government not recognising in him any right to interfere in affairs of this nature."*

Anchorena adds that he has been directed to declare that:

"... if the Commander of the Lexington, or any other person ... should commit any act, or take any steps tending to set at naught the right which this Republic possesses to the Malvinas, and other Islands and Coasts adjacent to Cape Horn and to prohibit the Seal Fisheries thereon, especially on the former, - the Government of this province will address its formal complaint to that of The United States, in the firm confidence that it will be attended to as justice may direct, and it will use every means which it may deem expedient to assert its rights and cause them to be respected;..." [1218]

"He closed the note with a warning, where he told him, clearly and unambiguously, that he suffered from an error if he believed that the Buenos Aires Government considered him as a representative of the United States; that he was nothing but a Consul,.." [1219]

At midday the USS *Lexington* weighs anchor and sails for the Falkland Islands.

"The corvette of war 'Lexington' leaves for the Malvinas to inquire into the circumstances of the seizure of the American ships for an infraction of the laws over the fish." [1220]

"But Anchorena was too late – Davison had already gone aboard the Lexington in the Lexington's own launch, together with John Trumbull, aged 25, a nephew of the ship's (Harriet) owners and a member of Harriet's original crew in 1830, and at noon on 9 December the Lexington weighed anchor and got underway for the Falkland Islands." [1221]

December 13th, after much delay, Britain's Minister Fox finally presents his credentials to General Rosas and introduces the new Secretary of the British Legation, Philip Gore.

"... recognized as Minister Plenipotentiary on Tuesday, December 13, 1831, in a ceremony held at the Fort at 3 o'clock in the afternoon; accompanied by Mr. Philip Gore, secretary of the Legation, and Captain Charles Graham, commander of HMS Rattlesnake, (salute of) 28 canons." [1222]

December 14th, finally relieved, Woodbine Parish sends his last official communication to England.

"Mr Fox will doubtfully inform your Lordship fully of the circumstances attending the late seisure of three North American Sealers by the Chief of the Buenos Ayrean settlement at Port Soledad in the Falkland Islands, and of the formal Protest which has been presented in consequence by the Consul of the United States here against these Acts, and against any pretensions set up by the Government of Buenos Ayres to appropriate to their own exclusive use of the fisheries on those coasts.

1217 *British and Foreign State Papers 1832-1833* London 1836 p.320. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939 p.188
1218 *British and Foreign State Papers 1832-1833* London 1836 pp.321-322
1219 Caillet-Bois 1982 (6th ed.) p.251
1220 *La Gaceta Mercantil* quoted in Fitte 1966 p.52 & p.73
1221 Pascoe 2022 vol.2 p.77 citing *Slacum to Anchorena December 15, 1831* in Manning 1932.
1222 Fitte 1966 p.83

It appears that English as well as American vessels have been sealing in the same places, but the warning which I sent to Mr Vernet ... has saved them from similar consequences:- It is however no small aggravation in the eyes of the North Americans, that they should have been suffered to continue to do those Acts with impunity, which have led to the seizure of North American vessels, and to the ill treatment of their crews. ...

'Lexington' has sailed from this river for Port Soledad, and it is reported that the 'Warren' Frigate has also put to sea from Rio de Janeiro with the same destination, and avowedly to protect in the most effectual manner North American vessels from any further interruption whatever. In addition to the general information which I have from time to time forwarded to the Foreign Office relative to these possessions, I now enclose to your Lordship a list of the shipping which has called at Port Soledad from the month of June 1826 up to March last:- Also a paper upon the climate and productions of the Falklands which Mr Vernet has drawn up at my request:- I believe there can be no doubt of the future importance of any settlement which may be planted there, and especially of its great utility to all shipping passing round Cape Horn." [1223]

US Consul Slacum has a conversation with Woodbine Parish and the new British Minister, Henry Fox, during which he hears of the British protest to Buenos Aires in 1829.

"...[Parish] informed me that his government had no other object in view of making the protest ..., than to keep alive a right to be used when deemed appropriate. As a consequence of this voluntary and frank communication on the part of the above-mentioned gentlemen, ... I informed them verbally of the nature of my action insofar as it was reciprocal and proper, and as the question now discussed may lead to an understanding between the Government of the United States and that of Great Britain, I intend to mail to our Minister in London..."[1224]

"Slacum discussed the problem with the British consul general, Parish. Parish told him that Argentina had no legitimate claim to the islands, that the British claim had never been surrendered and that Britain intended to revive their rights when it was convenient. Slacum was disquieted by what England might do, but the Argentine affront to the United States was more immediate." [1225]

"Fox told Slacum the British protest had been made "to keep alive a right, to be taken up when it might be deemed convenient"." [1226]

December 15th, Slacum responds to Anchorena's two letters of December 9th.

"... In reply to that complaining of the conduct of Captain Davison,.. in embarking to go on board of the United States Sloop-of-War Lexington, ... the Undersigned begs leave to say that it was a matter of notoriety that the Sloop-of-War Lexington, weighed anchor and left this port, at 12 o'clock, M. of the 9th, several hours previous to the receipt of the said Note by the Undersigned;.. In replying to the other Note of His Excellency... the Undersigned cannot admit that he has "improperly interposed himself before the Public Authority of this Province," as declared by His Excellency the Minister, in anything he has done... This Protest is rejected by His Excellency the Minister, and if the Undersigned is not charged with having transcended the line of his duty, he is counselled to confine himself within it. But

1223 *FO 6 /499.* Copy in *CO/78/1/147*
1224 Slacum quoted in Caillet-Bois 1982 (6th ed.) p.252
1225 Gustafson 1988 p.24
1226 Pascoe 2022 vol.2 p.78

what are the facts that called for a Protest? Have not 3 American Vessels, while engaged in a lawful Trade been captured, and their Cargoes forcibly and illegally taken out of them, and immediately appropriated to the use of the Captors; have not their Officers and Crews, American Citizens, been violently arrested and imprisoned ... and has not this been done without any previous official notice having been given that (Buenos Aires) had set up claims of sovereignty and exclusive jurisdiction to the Islands and Fisheries in question? And is it under circumstances like these that the Undersigned is told that he shall not be heard in defence of the injured rights and interests of his Fellow-Citizens? ...

Having nothing further to add in the present stage of this business, the Undersigned will content himself by referring the whole matter to the consideration of his Government." [1227]

"He defended himself against the charge of indecorum; maintained the propriety of his conduct, and his right to interfere by protest for the protection of his countrymen, with becoming spirit and force. This communication closed the correspondence between the minister of foreign affairs and the American consul."[1228]

"Tenacious, (Slacum) persisted, however, in his purposes; desiring to fortify his arguments he sought, imprudently, collaboration among the English representatives. Days earlier, the British Consul had informed him that England had never abandoned or ceded its rights to the Archipelago." [1229]

December 16th, in the USA, reports of the seizure of *Harriet*, *Superior* and *Breakwater*, appear in the press. [1230]

"... informing the American reader about the origin and incidents that occurred in the islands." [1231]

December 17th, at Port Louis, American sealer *Dash* (Oliver Keating) anchors. [1232]

December 20th, from Buenos Aires, Consul Slacum writes to Washington DC.

"You will perceive, Sir, that this Government did not reply to the just and amicable propositions made by Captain Duncan, of the Lexington, until several hours after his departure; although he remained at anchor 'till 12 O'clock, meridian, of the 9th, and sailed from immediately in front of the Government House. ... According to the decision of this Government, neither the Commander of a U. S. vessel of War nor the Consul of the United States will be heard in defence of the most aggravated attack upon the privileges of their nation and the interests of its citizens. ... I have had a conversation with the British Minister Mr. Fox, and Mr. Parish, the Consul General, and have seen and read the formal Protest made by the latter, acting as Charge d' Affaires, upon instructions sent out by his Government, at the time of the Decree of 10th July 1829. In that Protest, which was drawn up in London, England asserts her ancient, but dormant, right to the Falkland Islands, which were abandoned by her in 1774, leaving at the time, says the Protest, all the usual emblems of Sovereignty. No answer was given to the Protest by this Government except an acknowledgement of the receipt of it.

The Government of this Province has not the means to establish or to regulate any sort of authority over them. There is not, nor has there been as far as I can learn, any military establishment belonging to this Province on the Islands; and Mr. Vernet, who, I am informed, has received a sort of grant of them for a term of years, is nothing more than a private adventurer, associated with others here,

1227 *British and Foreign State Papers 1832-1833* London 1836 pp.322-325. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.192-198

1228 Reynolds 1835 p.489

1229 Caillet-Bois 1982 (6th ed.) p.251

1230 *Poulson's American Daily Advertiser* December 16, 1832 no.17166 p.3 col.3. Followed by, the next day, – *The New York Standard*, *Philadelphia Price Current and Commercial Advertiser*, and *Colombian Sentinel*.

1231 Caillet-Bois 1982 (6th ed.) p.262 fns.36 & 37

1232 Oliver Keating had previously commanded the *Betsey*. See 1829

principally foreigners (and among whom I suspect one or more Americans) for the purpose of monopolizing the seal fisheries; and it is worthy of remark, that in the correspondence with me he is only once styled "Commandant of the Falkland Islands."

I have never seen any decree of this Government giving him that title. [1233] *When speaking of my interview with the British Minister I omitted to state that he informed me his Government had no other object in view in making the Protest which I have mentioned, than to keep alive a right, to be taken up when it might be deemed convenient. On the other hand I have it from what I consider good authority, that soon after the Protest was presented, the English Charge d'Affaires here attempted to make some arrangement, touching the Islands, with this Government; which, however, did not succeed."* [1234]

"... the Decrees, in virtue of which Vernet pretended to act, had ... been annulled long before the aggressions forming the subject of the complaint had been committed;..." [1235]

December 21st, in Buenos Aires, Judge Dr. Cardenas, notes receipt of the *Harriet* and *Superior* submissions to the Prize Court. [1236]

December 23rd, from Philadelphia, Lewis Krumbhaar writes to inform Luis Vernet of the US Secretary of State's response to his October enquiry regarding *Breakwater*. Also, of the USA's attitude towards the Falkland Islands.

"On the arrival of the Breakwater it became known, a) that our government did not recognize the sovereign right claimed by the Republic of Buenos Aires over the Falkland Islands. I considered this point so important that I addressed a letter on the subject to the Secretary of State (M. de R. E.), to which he replied that "steps had been taken to ascertain the basis on which the right to claim the jurisdiction of the Falkland Islands lay, but that the illness and death of Mr. Forbes had interrupted the investigation for some time; our right, however, to fish in those seas is one that the government considers indisputable, and it will charge the minister who is about to be sent there to ask satisfaction for all interruptions of this right."

Everything is fine, our government claims the right to fish on the high seas, but without a doubt, not within the jurisdiction of the islands, i.e. hunt seals on the beaches…" [1237]

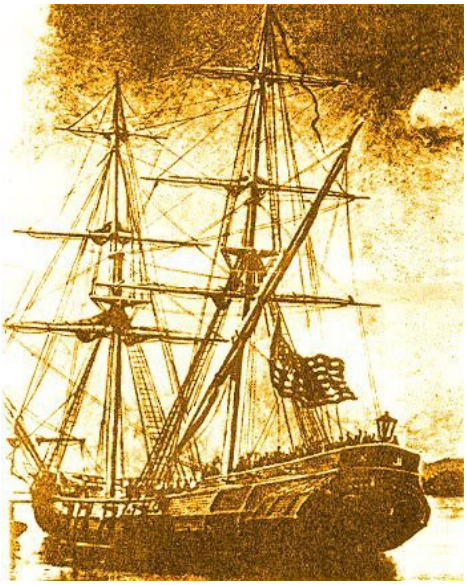
December 24th, in the Falkland Islands, in compliance with their forced contract, albeit three weeks late, the sealers from Eagle Island return to Port Louis in the now complete *Eagle* (*Aquila*). [1238] Finding Vernet gone, *Eagle* is taken sealing in the seaward parts of Berkeley Sound.

"... Argentine accounts are untrue. The truth is that far from directing the building of the so-called "Águila", Louis Vernet never clapped eyes on her – when he left the Falklands on 7 November 1831 she was still unfinished on Eagle Island at the southern end of Falkland Sound, about 80 miles from Port Louis. ... she was not built to facilitate communications but to kill seals; she never belonged to Vernet's settlement, and Vernet played no part in her construction except that he supplied some equipment and provisions to her builders,

1233 Vernet's appointment (not a decree) in 1829 had not been gazetted.
1234 Manning 1932 pp.85-88. The last paragraph avers to a rumour. See also December 5, 1829 & January 18, 1833.
1235 Greenhow 1842. *cf.* June, 1829
1236 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887
1237 *Krumbhaar to Vernet December 23, 1831* in Caillet-Bois 1982 p.262 fn.34
1238 *AGN Sala VII Port Louis Sailing Register.*

some of whom he had imprisoned for five weeks (not exactly a good way of promoting the shallop's construction). She never flew an Argentine flag; she sailed under the United States flag, and she was still in the Falklands in 1837, with her mainly American crew." [1239]

December 27th, USS *Lexington* enters the mouth of Berkeley Sound. [1240]



Encountering the *Eagle*, Duncan speaks to the sealers before taking the shallop under tow; however, the weather quickly deteriorates, necessitating the two vessels to sit out a storm.

"... she anchored under the French flag, with a signal ... for a pilot, and having in tow a small shallop, built among the Islands, and which was going to Port Louis to obtain Buenos Ayres papers, in order to seal on account of the Colony..." [1241]

".... the French flag was greeted from the shore as (was) custom, for the Republic (of) Argentina." [1242]

"The 'Lexington' arrived in Port Louis on 28 December (sic) 1831 and, in a typical act of piracy designed to mislead the settlers, raised the French flag." [1243]

From Plymouth, England, HMS *Beagle* sails on her voyage to South America. Charles Darwin has been invited along by Capt. FitzRoy to be ship's naturalist. [1244]

December 31st, from Buenos Aires, Minister Fox writes to Lord Palmerston.

> *"... nothing occurred to attract attention to the Falklands until six weeks ago, when accounts were received that Mr. Vernet had thought fit, in virtue of the power invested in him as Governor, to seize and make prize of three north American vessels engaged in seal fishing on the coasts of the islands. ... Mr. Slacum is fully aware of the state of His Majesty's claims to the sovereignty of the Falkland Islands. The Buenos Aires Government has refrained from either formally avowing or disavowing the acts of Mr. Vernet and have contented themselves for the present in order to gain time, with denying the rights of Mr. Slacum, as Consul and Agent only, and invested with no diplomatic character... I think it is to be apprehended, that if these proceedings are persisted in and repeated, the United States Government, finding the islands occupied by a set of pirates and His Majesty's right of sovereignty*

1239 Pascoe 2020 p.113

1240 *AGN Sala VII Port Louis Sailing Register* gives the date as December 26, 1831.

1241 *Gore's Liverpool General Advertiser* Thursday May 24 1832. A flag flown at the foremast to request a pilot. The USA's pilot flag in 1831, consisted of the blue field of the national flag's canton with the State stars (29 in 1831). Britain's pilot flag at that time was a Union Jack with a white border. The French pilot flag would seem to have been a white flag with a thin blue border during the first half of the 19th century. In 1832, the French flag consisted of the blue/whit/red vertical stripes in use today.

1242 Caillet-Bois 1982 p.253

1243 Bullrich 2000 p.102. Oft claimed as a deception or ruse on Duncan's part, there is no real evidence that the French tricolour was flown. Not mentioned in the ship's log, the only references are in a few of the inhabitants affidavits written much later. Worthy of note that the French flag is a red, white and blue tricolour, while that of the USA also employs red, white and blue. An error perhaps? That said, the custom was, and is, for a ship on entering port to fly the flag of that port. The USA did not recognise Port Louis as belonging to Argentina, so perhaps the French flag was flown in honour of a previous occupier – France (1764-1767).

1244 FitzRoy 1839

neither confirmed nor respected, may have recourse to some act or declaration which might call for… interference on the part of H.M.'s Government. I shall therefore endeavour to urge upon the Buenos Ayres (Government), the expediency of restoring things, practically as far as may be possible, to the footing upon which they stood previously to the Decree of June, 1829; conceiving as I do that it will be more agreeable and convenient to His Majesty's Government, not to be called upon at present, either effectively to maintain His Majesty's rights of sovereignty over the Falkland Islands or formally to relinquish them." [1245]

Fox adds that Commander Duncan has sailed; *"… apparently very willing to take the law into his own hands and to treat Mr. Vernet's officers as pirates."* [1246]

In Berkeley Sound, after sitting out the bad weather, *USS Lexington* moves towards Port Louis. [1247] Wary of the ship's intentions, a number of the gauchos and slaves flee into the countryside.

"On Saturday 31 December the weather moderated, and at 6 a.m. the Lexington, not flying any flag, weighed anchor and got underway for Port Louis, presumably towing the Eagle." [1248]

At 10.15am, *Eagle* is sent ashore with a naval party of armed men.

As Matthew Brisbane and Henry Metcalf watch *Lexington* anchor at Port Louis, they are "*invited*" aboard the US warship by the officers leading the naval party.

"… Captain Brisbane and Mr. Metcalf (the latter had been left in charge of the Colony) were walking on the beach, unsuspicious of danger. The Lieutenant invited them in the name of the Commander to go on board of the Lexington, which they did …" [1249]

"Noting that Metcalf and Brisbane were walking on the beach – the highest officials in the colony – (Duncan) directed the boat towards them with the purpose of arresting them, a purpose that they could accomplish without any difficulty." [1250]

"… he sent a landing party of two officers and fifteen men … ashore in the commandeered schooner to confer with the authorities, and, at 11.45, another party, well armed, in two boats, to augment the first.." [1251]

On board USS *Lexington*, Lieut. Newman makes an entry in the ship's log; *"… at 1200 Mr. Brisbane and Mr. Metcalf were brought on board."* [1252]

"Once they had stepped on the deck of the ship they were subjected to offensive treatment; Duncan, facing Brisbane, called him "pirate and thief … deserving to be hanged". From that moment on, Metcalf and Brisbane could be regarded as prisoners to whom no insult or insult would be spared." [1253]

1245 *Fox to Palmerston December 31, 1831* in *FO/78/1/140*
1246 Fitte 1966 pp.81-83
1247 *Commander Silas Duncan and the Falklands Islands Affair* Alexander Monroe 1997
1248 Pascoe 2022 vol.2 p.81
1249 *Gore's Liverpool General Advertiser* Thursday May 24 1832
1250 Caillet-Bois 1982 (6th ed.) p.253
1251 *One Hundred and Eighty Landings of United States Marines 1800-1934* Captain Harry Ellsworth 1934. Ellsworth puts the date of the *Lexington*'s arrival in Berkeley Sound as the 28th and the seizure of Brisbane and Metcalf as January 1, 1832. A difference that may be explained by that between shore time and sea time, where the day changed at 12 noon. Albeit a little old fashioned in 1831.
1252 Log entries in full in Pascoe 2022 vol.2 Appendix A.25 pp.684-688
1253 Caillet-Bois 1982 (6th ed.) p.253. This account clearly taken from the subsequent affidavit of Henry Metcalf.

Commander Duncan leads an armed detachment into Port Louis.

"... other boats had come on shore with marines, who took off, forcibly, all the men they could find – most of the natives of Buenos Ayres escaped to the interior; the cannon were spiked, fire arms broken to pieces and thrown into the water, powder set fire, &c., ..." [1254]

"Silas Duncan – at the head of an armed detachment – disembarked, in turn, and set out with the intention of occupying the main buildings and arresting those guilty of having intervened in the detention of the Harriet, Superior and Breakwater. In the presence of a foreign force, which unconsciously captured all the inhabitants in its path, the colonists tried to save themselves. ... His subordinates forced doors and windows, looted private property and destroyed orchards." [1255]

"... Duncan arrived in the Lexington just off Port Soledad. He and his men went ashore, took the colony's weapons, burned its powder, razed the buildings, seized some seal skins, and arrested most of the inhabitants."[1256]

"... Captain Silas Duncan, commanding the corvette 'Lexington', and with the support of the new US Consul in Buenos Aires, Mr. Slacum, attacked the Argentine outpost at Puerto de la Soledad and proceded with the cruelty characteristics of pirates to sack and burn the Argentine installations,.." [1257]

"The entry of this ship is one of the last that appears in the Falklands port registry, which had begun in 1826, under the incipient colony that responded to Buenos Aires. A handwritten letter, different from the one that usually completed the document, declares that the ship entered the port to "protect the American fisheries"." [1258]

Other employees of Luis Vernet are '*arrested*' - Sylvester Nunes, Jacinto Correa, Juan Braceido, Domingo Pacheco, Manuel Gonzales and Dionisia Henedia. [1259]

> *"Sailors (went from house to house) pointing out all the men ... and took them (as) prisoners aboard the Lexington where they were held from morning until four in the evening on an empty stomach."* [1260]

"Upon my arrival in Berkeley Sound East Falkland, I investigated the matters in question and finding them to be of the most iniquitous and illegal character, I determined to break up and disperse this band of pirates, many of whom had been sent from the prisons of Buenos Ayres and Monte Video, and were thus let lose to prey upon a peaceable and industrious part of our community under the direction of Louis Vernet and Matthew Brisbane..." [1261]

"Duncan put Brisbane in "irons" [shackles] in the hold, but ... later allowed on deck. Then the Lexington's boats brought 20 men and a woman with a small child from the settlement. Davison identified the six men in Brisbane's party who had seized the Harriet (Sylvestre Núñez, Juan Brasido, Domingo Valleja, Dionisio Eredia, Jacinto Correa, and the Charrúa "Manuel González"); they were put in irons and held prisoner.

1254 *Gore's Liverpool General Advertiser* Thursday May 24 1832

1255 Caillet-Bois 1982 (6th ed.) p.253. Excessively dramatic. There was no looting, although Duncan apparently told Davison to take "*what was his*". Davison appears to have treated this as a licence to take whatever he fancied.

1256 Gustafson 1988 p.24. Not true, no building were damaged and only seven settlers were taken prisoner.

1257 Bullrich 2000. Slacum was hardly "*new*", nor was the settlement sacked or burned. Puerto de la Soledad was the old Spanish name.

1258 Haller 2023

1259 Testimony of Gilbert R. Davison 1832 in Manning 1932 p. 97. Juan Brasido/Braceido was a gaucho in Vernet's employ. Joaquín Acuña would appear to have been detained for only a few hours, before being released. *cf.* 1830, 1832, 1839, 1845, 1849, 1850, 1851, 1853 & 1854

1260 *Declaracion de Carlos Feurer, Carlos Klein y David Schmidt*, in *Archivo General de la Nacion, Division Nacional, Seccion Gobierno, Islas Malvinas, Reclamacion Vernet 1829-1832.*

1261 *Duncan to Levi Woodbury February 3, 1832*

Dionisio Eredia was one of the last remaining two out of the 25 men who had landed with Vernet in 1826 (the last one, Juan Gregorio Sánchez, decided to leave too and boarded the Lexington a few days later).” [1262]

Those not identified by Davison as being involved in the seizure of his ship, are released back to the settlement; including the storekeeper, William Dickson, and Vernet's manager, Henry Metcalf.

“At the time of the attack, some 120 people were living in the colony, including Afro-descendants, indigenous people and Creoles of different origins, …” [1263]

1832 – January 1st, Commander Duncan visits Port Louis in the company of Gilbert Davison. [1264]

“… capt. Duncan had told Davison to go into the store-house and take away any thing he thought was his property – he accordingly took a few oars, a boat keel, some loose pieces of boat, 3 bags of shot, some powder, a little sheet lead, a whale boat and oars, and muskets; neither the boat nor muskets belonged to him.” [1265]

“There existed on the 1st of January, 1832, 80 horses accustomed to the ground and the Climate, and taught for the Cattle work. They were the survivors of 205 horses which I had successfully sent to the Island. The others perished partly on the sea voyage, partly in the acclimatization, and partly in the teaching, falling victims to the ferocity of the wild Cattle. … The principle Store house and two houses made also of stone, are the only houses which are of use to me, not requiring any more houses after the Colonists who inhabited them were dispersed by the said Corvette (Lexington) and therefore abandoned the colony. These three houses being sufficient for the use of my Agent, his Clerks and the people employed in the Cattle and in the fishing business…” [1266]

January 2nd, Commander Duncan provides assistance to the ex-*Belleville* sealers on *Eagle* – all but one Americans – offering carpenters, supplies, a flag and papers permitting then to continue their sealing activities.

On board *Lexington*, Capt. Davison provides a further (3rd) deposition to Commander Duncan. [1267]

> *“Gilbert R. Davison, the last captain of the American schooner "Harriet" of Stonington, testifies that Matthew Brisbane is an active associate of Luis Vernet, and that his vessel was captured and sacked under the direction of both said persons, aided by a certain number of bandits and ruffians employed on the Island; that Brisbane personally directed the sacking of the Harriet warehouses, at the same time as declaring that their intention was, as soon as a schooner arrived, which they expected very soon, to seize all American vessels, including whalers, fishing or hunting whales in the vicinity of any of those Islands and Coasts. The deponent further asserts that seven men have been left on the Island of the States without means of subsistence for any length of time, as a result of these procedures; and that the schooner "Harriet" was taken to Buenos Ayres, instead of being sent to succo(u)r those men.”*[1268]

1262 Pascoe 2020 p.132
1263 Jiminez, Alioto & Villar 2018 p.45 fn.
1264 Pascoe 2022 vol.2 p.83
1265 *Niles' Weekly Register* May 12, 1832
1266 *Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet* (undated translation of a Spanish language account lodged by Luis Vernet with his creditors in Buenos Aires in 1833)
1267 Texts of all Davison's affidavits in Pascoe 2022 vol.2 Appendix A.23.
1268 Fitte 1966 p.89. Duncan took further depositions from Davison. One related to the treatment of a prisoner (moot) of Vernet's, an American by the name of Andrew Crawford (see July 30, 1831, above); another described a further accusation regarding the seizure of American ships by Vernet, Brisbane and Metcalf. There would be a total of six, all in full in Pascoe 2022 vol.2 Appendix 23. It appears that Duncan was seeking to justify his actions by building up a body of evidence from Davison. See Fitte (1966) pp.90 & 91. *cf.* September, 1831

January 3rd, Duncan visits the German families.

"The statement given by subjects Klein, Feurer, and Schmidt contains interesting details about S. Duncan's proceedings. The declarants, once they were released, locked themselves in their rooms, staying there for three days, fearful of being injured by the Lexington crew. Shortly after, Silas Duncan did them the honor of visiting them, interested in knowing the number of cattle they owned and declaring that said cattle would not prosper due to the bad weather prevailing in the archipelago;... That said, he offered them free passage on board his ship, as well as buying from them all the cattle they had. Discouraged by Duncan's words, confirming the rumors circulating in the colony, the Germans accepted the offer and, in consideration of the free passage with which they were favored, sold their cattle at the price of six pesos each head. ... So it was that, during his stay in Puerto Luis, Duncan sacrificed two animals every three days, cattle that, according to what was agreed, he paid religiously." [1269]

January 4th, from Washington DC, orders are issued to the Commander of US forces at Rio de Janeiro.

"The orders given on the 4th January are in answer to a request by the commander of the squadron for more particular instructions. The circumstances of the case are there stated, and the orders given in consequence of them, are infinitely more moderate than those circumstances would have justified. The Commander is to inquire whether the acts have been done under the allegation of authority from the Government; and, in that case, he is merely directed to prevent our ships from capture, to retake those that have fallen into the hands of Vernet, and keep them until the return of a despatch vessel he is ordered to send to you for instructions. ..." [1270]

January 5th, at Port Louis, Gilbert Davison places all the goods that he has retrieved aboard *Dash* and transfers to that ship. [1271]

"The seal skins and some trifling articles which had been embargoed, awaiting the decision of the Prize Courts of Buenos Ayres, were taken from Mr. Vernet's store house, and delivered to Captain Davison, of the Harriett (sic)... This property was then shipped on board of the American schooner Dash, Capt. Keating, which at the time was lying there." [1272]

An American brig, *Chacedony* arrives in Port Louis, en-route for Hawaii. [1273]

January 10th, at the Falkland Islands, a French sealer, *Nouvelle Betzy*, is wrecked.

January 11th, a British brig, *Vulture*, bound for Valparaiso, arrives at Port Louis. [1274]

From Washington DC, Secretary Livingston instructs the US Ambassador to Madrid, Van Ness, to make inquires with the Spanish Court regarding the ownership of the Falklands archipelago.

> *"Some difficulties having arisen between us and the Government of Buenos Aires, it becomes important to know precisely the extent of that Government, when under the dominion of Spain, particularly whether it comprehended Patagonia, Terra del Fuego, and the adjacent islands, including the Falkland Islands. It is supposed that when Spain agreed to restore the establishment at Port Egmont, on the West Falkland, to the English, in the year 1770, there was a secret convention, or some understanding that it should be relinquished again to Spain. You are requested to get all the*

1269 Caillet-Bois 1982 (6th ed.) p.255 fn.18

1270 *Livingston to Baylies January 26, 1832* in Manning 1932 pp.4-12. I am unable to find a copy of these orders. By the time they arrived at Rio de Janeiro, events had clearly overtaken them.

1271 To be joined by two crewmen from the USS *Lexington* on January 9, 1832. *Dash* was apparently short-handed.

1272 *Gore's Liverpool General Advertiser* Thursday May 24 1832

1273 Departed on January 9, 1832.

1274 *Lloyd's List* Thursday April 19, 1832. Described as '*leaky*'. *Vulture* sailed again on the January 15, 1832.

information that you can on this subject, and transmit it, with copies of all the documents you can procure concerning it, to this Department." [1275]

"... the only step that was ever taken was for the United States Government to set on foot an inquiry through the American Minister to Spain as to the legal title involved, but the inquiry was not pressed to any conclusion, and the whole matter was dropped." [1276]

On East Falkland Island, some of the settlers who had fled into the countryside upon the arrival of USS *Lexington*, return to Port Louis; including *capitaz* Jean (Juan) Simon. Indentured slaves Carmelita and Gregoria, together with five gauchos, remain in hiding. [1277]

"During the stay of the Lexington, the Buenos Ayreans, who had fled into the interior, returned, and capt. Duncan gave their head man a document, stating that he was a peaceable person, &c. ..." [1278]

"The total of the settlers that settled in Puerto Soledad can not be specified with certainty, because – according to Vernet's own statement – "there were many, more than three hundred, but as they were coming and going, the declarant can not remember the number exactly, what it knows for certain is, that the number of fixed residents increased and that the last one ascended to 150 people"." [1279]

January 12th, at Port Louis, under oath, Capt. Gilbert Davison identifies seven individuals as complicit in the seizure of his ship. Specifically, those '*arrested*' on December 31st – Matthew Brisbane, Sylvester Nuñez, Jacinto Correa, Juan Braceido, Domingo Pacheco, Manuel Gonzáles and Dionisia Henedia. [1280]

Somewhat behind the times, in the USA the *Morning Advertiser* reports:

"Philadelphia Papers, to the 16th ult., contain some intelligence from Falkland Islands, to which the Government of Buenos Ayres has recently laid claim, and appointed a Governor. These islands were formerly in the possession of the Viceroyalty of Buenos Ayres, but the revolutionary troubles caused their abandonment. About four years ago the possession was re-established, and Don Louis Vernet appointed Governor as well as of Staten Island, and the adjacent coast of Patagonia, from Rio Negro to Cape Horn. ... The harbour of Saladad (sic), formerly Port Louis, is of easy access, the anchorage perfectly safe... The new Governor is a native of Hamburgh, and the Buenos Ayres Government has granted him in fee one of the islands, with all wild cattle inclusive, privilege of fishing, &c. ... There is a fort at Port Louis, and an armed vessel would be stationed there for the protection of the fishery. There were no Indians on the island."

1275 *Livingston to Van Ness No.29 January 11, 1832* in *Public Documents printed by order of The Senate of the United States: First Session of the Twenty-Fourth Congress, begun and held at the City of Washington Dec 7, 1835. cf.* April, 1832 & October, 1833

1276 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing *Recuerdos de mi vida diplomatica. Mision en Estados Unidos 1885-1892* V. G. Quesada 1904 p.200. Spain did, eventually, initiated a search of its archives. *cf.* 1833

1277 A statement from these gauchos was published in the *Gazeta Mercantil* on February 1, 1833. Not mentioned were the two women, one of which had had a son by Jean Simon. With the US attitude towards slavery, it was undoubtedly a wise decision to remain out of sight. There was another child, a boy name Octubre. He was not returned to Montevideo on the *Lexington,* but his remains washed up at Berkeley Sound in May, 1833. He may have attempted an escape.

1278 *Niles' Weekly Register* May 12, 1832.

1279 Caillet-Bois 1982 p.211 citing *Archivo del Ministro de relaciones Exteriores, Buenos Aires, Division politica, Islas Malvinas, leg.11 exp.I 1832/35, t.III*. An exaggeration. Numbers appear to have peaked at around 128 in July, 1831.

1280 Fitte 1966 pp.92-93.

January 15th, at Port Louis, Commander Duncan instructs that *Dash* be prepared for a voyage; firstly to relieve a sealing crew left in the western islands of the archipelago, and then sail for Statenland to rescue the sealing crew left there by *Superior*. [1281]

"It had been about fifteen days since he had entered Berkeley Sound, and Captain Duncan still (had) made no determination whatsoever about those sailors who had been abandoned on the island of Estados, whose fate had troubled him so much before, that he could not wait for the answer from the Buenos Airean Government. ... in mid-January he ordered Schooner Dash to sign up for Statenland." [1282]

January 16th, the Buenos Aires's prize court gives its verdict regarding Vernet's seizure of American ships:

> *"The right of possession and ownership of the Argentine Republic over the Malvinas islands and coasts is incontestable, and bearing in mind the tenacious resistance with which the captains of the North American vessels called Superior, Harriett and Breakwater schooners, have continued to fish for amphibians on the aforementioned coasts, even after the summons issued to them by the political and military commander of the establishment to refrain from pursuing them, according to what is acted out: arrest and seizure of the ships and their respective cargoes (was legal) (Signed) Dr. Jacinto Cárdenas."*[1283]

January 18th, at Port Louis, Silas Duncan posts notices around the settlement.

"Captain Duncan and Davison, it is stated, spread a variety of reports, in order to alarm the settlers, such as, that they would never be safe from the resentment of the American whalers – that Mr. Vernet would not again return to the islands, that the Government of Buenos Ayres disapproved of the capture of vessels, &c. &c. and capt. Duncan offered a free passage to those who wished to leave the colony – the consequence was that all the female residents, as well as Mr. Vernet's slaves and various individuals went on board the Lexington...." [1284]

"Some of the colonists, .., were completely discouraged, especially when they were assured that if Vernet dared to return he would be hanged." [1285]

"... Duncan ... He declared the islands res nullius.(without owner) ..." [1286]

"Before leaving, Duncan declared that the archipelago remained alien to the dominion of any power, a statement so foreign to Duncan's jurisdiction that it carried no significance." [1287]

"Louis Vernet himself later wrote that "Duncan's proclamations... declared the Islands common property of all nations". In other words, Duncan declared that the islands were open and free to all; they were part of the high seas, not the property of Buenos Aires. He did not imply that he had himself brought about any change in the islands such as ending their "government", but merely underlined the existing American policy, that no country possessed sovereignty over the Falklands." [1288]

1281 Date provided by Caillet-Bois 1982 p.255. *Superior*'s Statenland crew had already been rescued. *cf.* September, 1831.
1282 Caillet Bois 1982 pp.255-256
1283 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887
1284 *Niles' Weekly Register* May 12, 1832
1285 Caillet-Bois 1982 (6th ed.) p.254
1286 Gustafson 1988 p.24. There is no good source for this.
1287 Peña & Peña 2018. It is often repeated that Duncan referred to the archipelago as *terra nullius* (without owner). I have yet to find any evidence to confirm this.
1288 Pascoe 2020 p.134

"The American captain posted two proclamations in English, which said that the capture of American ships and declared "freedom of fishery". Duncan also threatened that New York whaling ships would punish any further fishing impediments and that Louis Vernet would never be able to return to the settlement, at the risk of being captured and hanged. Frightened, many of the colonists left Puerto Soledad on the USS Lexington..."[1289]

January 19th, in Buenos Aires, at a meeting of British residents at the British Chapel, it is decided that by way of thanks for his "*valuable services*" a gift be purchased for Woodbine Parish.

January 20th, three German families board *Lexington*.[1290] Each family takes two cows for the voyage. Other settlers follow. Vernet's fourteen slaves, however, are treated as property and not given a choice. In total, some 47 people board *Lexington* including William Dickson and Henry Metcalf.

> *"... in taking this step I have consulted their own wishes, and they have embarked on board the Lexington by general consent; they say they have been deceived by Vernet and others, who have kept many of them upon the Island contrary to their inclinations and appeared greatly Rejoiced at the opportunity thus presented of Removing with their families from a desolate Region where the climate is always cold and cheerless..."* [1291]

"All the family groups took the opportunity to go: the first to go aboard the Lexington, with his wife and child, was Vernet's trusted former fisheries manager Julio Grossy, who had been wanting to leave for some time (he had put a notice on his house saying that he "was leaving this forsaken country in order not to die of want"), and another was Vernet's settlement manager Henry Metcalf, as revealed by Juan Simon, the capataz, in a statement made later. According to Simon, Metcalf said that Vernet owed him "two thousand and something" pesos ("dos mil y tantos"), and had taken whatever he felt he had a right to – Simon says that after Metcalf boarded the Lexington there was not a single hide left at the settlement, and Metcalf even took plates, forks and knives." [1292]

Back in England, William Langdon writes to Under-Secretary of State Hay at the Colonial Office seeking official recognition of the grant of land that he has received from Luis Vernet.

> *"Due to the increasing trade with all the islands of the South Seas and in particular with the Australian colonies, the possession of the East Falkland Island is of the utmost importance to this country and from a conversation I had with Mr. Vernet upon the subject, I am authorised in saying no objection would be made to the occupation of it by the British Government, provided private property would not be interfered with..."* [1293]

"Once again Vernet had committed an imprudence that cannot go unnoticed..." [1294]

January 21st, Commander Duncan releases the ex-*Belleville* men from their contract with Vernet, equipping them to go sealing on their own behalf. [1295] The *Eagle* is renamed *Chaloupe* and sails out to hunt seals under the

---

1289 Haller 2023
1290 The Kleins, Feurers and the Schmidts.
1291 *Duncan to Levi Woodbury February 3, 1832*
1292 Pascoe 2020 p.132. Full list on p.133. *cf.* April 2, 1833
1293 Quoted in Caillet-Bois 1952 p.316. Original in *CO78/1/332*
1294 *Ibid.*
1295 Pascoe 2022 vol.2 p.91. Namely, Isaac Waldron, William Smyley, John Jones, George Dow, James Burr, Samuel Marston, Isaac Roundy, Gordon Lowell and George Lambert.

flag of the USA. [1296] As requested by the settlement's storekeeper, the American Commander provides William Dickson with a letter confirming that he was not involved in the seizure of the American ships. [1297]

> *"The "Lexington" having been here since December 27th for the purpose of examining the circumstances connected with the capture and plundering of some American fishermen, I have arrested such offenders as were within my reach. Guillermo Dickson asked me, who has been employed here as a storekeeper, to give him a certificate of having had no part in those operations, and to the best of my knowledge and belief Guillermo Dickson, he has had no part in them"* [1298]

Duncan also provides papers to those few wishing to remain.

"... so that no American vessel would do them injury, to the end that they would supply meat when necessary to those arriving at the island." [1299]

January 22nd, as *Lexington* prepares to sail, Davison nails a document to the door of Vernet's house.

> *"... a proclamation in writing, signed by captain Duncan, declaring the capture of the vessels to be piracy, &c. announcing at the same time the freedom of fishery."* [1300]

"It is curious that there is no notice of any of these transactions in the log book of the Lexington. Perhaps Duncan was a little ashamed of what he had done, or perhaps he feared the effect his actions would have upon his government." [1301]

Lexington sails out of Berkeley Sound. Those who had remained in hiding, return to Port Louis. [1302]

> *"After the departure of the Lexington, we returned to our houses from the interior, but were in continual alarm at the appearance of every vessel, fearing a new attack, and not having the means to distinguish friend from foe."* [1303]

"He (Duncan) did no more than spike some guns which were lying on the beach, and which he had good reason to suppose were to be used in vessels which were to be employed in the capture of American sealers and whalers: as much of the plundered property as he could find he restored to the right owners: he arrested seven men who were proved to have been concerned in the capture of the vessels, among whom was one Brisbane, a British subject, who had been the chief agent in the atrocities of Vernet: the remainder of the settlers he brought away at their own request, who complained much of the deceptions which had been practised upon them by Vernet: some of the Gauchos, who formed a part of this settlement, fled to the interior: he seized no bona-fide property of Vernet's, and scrupulously respected all private property:.." [1304]

1296 *Eagle/Aquila/Chaloupe* was still sealing in the Islands in 1837. However, it was rumoured that, after Duncan's departure, William Horton Smyley took over Vernet's beef business to some profit as -*"Fat Jack of the Bonehouse."* See *The Falkland Islands: South Atlantic Islands* Ian J. Strange 1985.

1297 Manning 1932 p.217. Fitte 1966 p.94. Dickson appears to have been undecided about whether to go or stay until the last moment, when he boarded *Lexington*.

1298 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.380-381. See - https://falklandstimeline.files.wordpress.com/2023/12/collecion-de-documentos-oficiales-sobre-la-cuestion-pendiente-con-los-ee.uu_.-sobre-las-malvinas-1832.pdf

1299 Information provided by Graham Pascoe and Peter Pepper.

1300 *Niles' Weekly Register* May 12, 1832. See Pascoe (2020) pp.133-134

1301 *The struggle for the Falkland Islands* Julius Goebbels 1927 p. 444. Ship's logs rarely record anything not appertaining to the vessel and certainly not anything happening on shore.

1302 It is difficult to settle upon an exact figure, but there would seem to have been 30-40 people remaining at Port Louis. The majority were gauchos, but also a few settlers, two female slaves and at least one child. *cf.* 1833

1303 Letter signed by 5 gauchos, dated January 30, 1833 and published in the *Gazeta Mercantil* of February 1, 1833

1304 Reynolds 1835 p.490

"However unjustifiably Mr. Vernet may, in fact, have behaved towards vessels belonging to the United States of North America, it must be remembered that he had a commission from the Buenos Ayrean Government, empowering him to act as civil and military governor of the Falklands; that he believed the Buenos Ayrean authority valid; and had no doubt in his own mind that he was doing right. Mr. Vernet, therefore, was no robber – no pirate ... and those who acted under his order, he having a legal commission, certainly did not deserve to be seized as pirates, put into irons, and so carried to the Plata! Neither was it just (setting mercy quite aside) to destroy the infant colony, break open or tear down doors and windows, search houses, drawers, and chests, trample over gardens, break through fences, and ill-use the helpless, unarmed settlers to such a degree, that for many months afterwards whenever a man-of-war was seen approaching, the frightened inhabitants at once fled to the interior, not knowing how they might be treated. Poor Brisbane ... was taken, with others, in irons to Monte Video,..." [1305]

"... the American warship Lexington took 47 or 48 people (over half the remainder) in January 1832, leaving some 38 people at Port Louis. Britain was not involved in any of those removals of people. ... it was not Britain but Louis Vernet and the United States that removed most of the civilian population,.." [1306]

"... the largest number of land-based people to leave Port Louis on the same day since the Spanish garrison left 21 years earlier on 13 February 1811." [1307]

January 23rd, *Dash* sails for West Falkland Island.

"Agreeable to your request I have to inform you, that after leaving Port Lewis (sic) and relieving the sealing crew on the Western part of the Falkland Islands, I fell in with, & took on board my vessel, the crew of the French whaling ship, New Betsy, which vessel was lost on a reef on the Western part of the Islands. After an unsuccessful attempt to recover something from the wreck – I returned them to Port Lewis, where I left them – From thence I proceeded to Statenland..." [1308]

"The Dash having, ... fallen in with the crew of the French whaling ship Nouveau Betsy, brought them, 40 in number, to the establishment at the Falklands, where they were hospitably received and provided for until a British whaling ship from round Cape Horn, bound to England, touched at the islands and furnished them with passage." [1309]

January 26th, in Washington DC, Francis Baylies is appointed to be US *chargé d'affaires* at Buenos Aires. [1310]

"... an obscure lawyer of Massachusetts, possessing a temperament that, in short, ... met all the conditions necessary for negotiations to fail." [1311]

Detailed instructions are provided by US Secretary of State Edward Livingston. [1312] After outlining the known events regarding the seizure of three American ships in the Falklands, and questioning the validity of the Buenos Aires decree of June, 1829, Baylies's course of action is identified in detail:

1305 FitzRoy 1839
1306 Pascoe 2020 p.89 & p.135
1307 Pascoe 2022 vol.2 p.91
1308 *Oliver to Duncan June 1, 1832* in Pascoe 2022 vol.2 p.119 citing *US archives, Naval Record Group 45, M147, microfilm 18.* On arrival at Statenland, Keating found Albertson's message in a bottle. See September, 1831 above.
1309 Letter published in the *Gaceta Mercantile* on February 1, 1833 signed by *"several individuals arrived at this port in the national schooner of war Sarandi from the Falkland Islands."*
1310 Baylies was a lawyer, politician, journalist and author. Described as a '*political henchman*' of the US President, he had little diplomatic experience. Nor, indeed, much in the way of diplomacy.
1311 Caillet-Bois 1982 (6th ed.) p.263
1312 *Livingston to Baylies January 26, 1832* in Manning 1932 pp.4-12. In full here - https://falklandstimeline.files.wordpress.com/2018/06/edward-livingston-to-francis-baylies-january-26-1832.pdf

"... you are instructed to press, in the negotiation you are authorized to open on the occasion,

1. The perfect right of the United States to the free use of the fishery on the ocean, in every part of it, and on the bays, arms of the sea, gulfs, and other inlets, which are incapable of being fortified.

2. To the same perfect right on the ocean within a marine league of the shore, when the approach cannot be injurious to the sovereign of the country, as it cannot be on the shores which are possessed by savage tribes, or are totally deserted, as they are to the south of the Rio Negro.

3. To the same use of the shores when in the situation above described.

4. That even where a settlement is made, and other circumstances would deprive us of the right, that a constant and uninterrupted use will give it to us.

It cannot be denied that the United States, since the beginning of their independent political existence, and even while they were colonies, were, in common with other nations, in the undisturbed enjoyment of the whale and seal fishery, with the knowledge of Spain and this, it is believed, applies particularly to the Falkland Islands and at times when there were settlements on them as well as when they were deserted.

The object of establishing these points is to embody them into a treaty which you have herewith a full power to negotiate and conclude. The articles on this subject must acknowledge our right to the fisheries on the shores while they remain unsettled, and you may fix a certain extent from each settlement, not to exceed ten leagues each way.

With respect to the vessels seized by Vernet, if his acts are avowed, you are to justify their recapture, (if they have been taken by our squadron,) and demand their restitution if they have not, on the grounds herein before stated to show the irregularity of his proceedings, and if his acts are disavowed, you are to give orders to the commander of the squadron to break up the settlement and bring him to Buenos Ayres for trial."

"The Government of the United States will protect citizens of the United States having fishing rights on the Falkland Islands from the interference of parties claiming under Buenos Ayres." [1313]

"Mr Baylies was instructed to press, in his negotiations, for the perfect right of the United States to the free use of the fishery, established by long usage,.. The instructions also stated: "How far the present Government of Buenos Aires is entitled to the extent of territory necessary to establish right over these fisheries, even supposing them to be attached to the sovereignty of the country, is another important question to which your attention must be turned, and which we have not the means of determining here." Mr. Baylies was further informed in that connexion that it was not believed that Patagonia was ever included in the province of Buenos Aires proper." [1314]

"Without any other basis than that provided by the accusation of the men of the Breakwater, the Secretary of State began to doubt the authenticity of the decree creating the Command, and judged Vernet's acts as illegal and piratic, for which reason "they could not allow the president to believe for a moment that they were authorized by a friendly power"..." [1315]

1313 *A Digest of the International Law of the United States, taken from documents issued by Presidents and Secretaries of State and from Decisions of Federal Courts and Opinions of Attorneys-General.* Francis Wharton (ed.) 1887 vol.1 p.64 citing *Mr. Livingston, Sec. of State to Mr. Baylies Jan. 26, 1832.*

1314 *The United States and the Question of the Falkland Islands* A. F. Orchard Sept, 1928 in *FO 371/12736/324. cf.* 1928

1315 Caillet-Bois 1982 (6th ed.) p.264

January 27th, at Buenos Aires, Woodbine Parish and his family go aboard the Packet boat *Reindeer* for the start of their journey to London, via Montevideo.

"... the outgoing minister embarked with his family on his return to England in the package Reindeer, which sailed on Monday, January 27, 1832. The transfer on board was carried out in a government barge, especially at his disposal, as a testimony of the recognition official for the performance he had had during his nine years of residence. This was not the only proof of friendliness that Rosa paid Parish; .., the dictator granted to him in 1839 the title of honorary citizen, (also) the rank of honorary colonel of cavalry and the use in his shield of nobility of the arms of the Argentine Republic." [1316]

February 2nd, now at Montevideo, Woodbine Parish watches USS *Lexington* anchor in the port. Parish asks Captain Graham, of HMS *Rattlesnake*, to make inquiries.

Commander Duncan sends a note to Consul Slacum who is also in Montevideo. [1317]

> *"The United States ship, "Lexington," has just reached this place, back from a cruise to the Falkland Islands, with a number of passengers and some prisoners. ... These individuals, with Vernet and Brisbane at their head, had not the means of fishing for themselves, but their plan was to fish by proxy; and, whilst they laid claim to all the fish of the Southern Ocean, they were to compel our citizens to catch them for their use:- ... While these outrages towards the persons and properties of American citizens were perpetrated, a statement was made by the aforementioned (Vernet) stating that they would not capture English ships placed under similar circumstances, (or) apply to them the same rules, which in fact he did not attempt to do."* [1318]

February 3rd, Commander Duncan writes to US Navy Secretary, Levi Woodbury.

> *"... I arrived here yesterday from the Falkland Islands ... in Relation to the Capture of some of our fishing Vessels at and about those Islands... I proceeded to Berkeley Sound, East Falklands, in order to ascertain the facts ... and for the purposes of affording the proper protection to our Citizens and Commerce, and particularly to protect the American Fisheries in the Southern Ocean. ... I have now on board as prisoners seven individuals who are charged with illegally capturing and plundering the Schooner Harriet, ... These men will be detained on board the Lexington until some orders shall have been given with Respect to them from the Navy Department or the Senior officer of the Brazil Station. I found some guns lying near to the beach which I suppose were intended to have been put on board the Schooner as these men have declared it to be their intention to fit out a vessel for the purpose of putting a stop to the American Whale and Sealing Fisheries in these Seas. The guns have been rendered useless for any hostile purposes. I also found a small Schooner on the coast of East Falkland, navigated by a part of the Crew of the American Schooner Belville, wreck'd on the coast of Patagonia. These men had built this Small Vessel or Shallop of 20 or 30 Tons after the loss of their vessel and were seized and made prisoners by Vernet and his associates and compelled to enter into their Service. I supplied them with Such Articles as they were in want of, and after repairing and*

1316 Fitte 1966 p.83

1317 Both Goebel (1927 p.444) and Caillet-Bois (1982 (6th ed.) p.256) suggest that Duncan anchored at Montevideo because he was embarrassed or concerned about what he had done; and so avoided Buenos Aires. Given Duncan's approach to diplomacy, this seems unlikely. Consul Slacum's presence in Montevideo is given as a coincidence, an earlier visit having been delayed by illness. I suspect that that is unlikely too. More probable that Slacum had some indication of how long *Lexington* would be away, and had arranged to be at Montevideo for its return. Any illness was probably political.

1318 Quoted in Fitte 1966 pp.105-107. In full in Pascoe 2022 vol.2 pp.105-106

fitting out their vessel, directed them to relieve their companions who had been left fishing about the rocks and small Islands and then proceed to the Coast of Brazil or the U. States...” [1319]

From the town of Montevideo, on the same day, Britain's Consul, Thomas Samuel Hood, writes to the *Lexington*'s commander.

“It has come to my attention that a vassal of His Britannic Majesty (Mr. Matthew Brisbane) is detained as a prisoner aboard the US "Lexington" warship, under the charge of piracy which you have accused him of, that this piracy is founded on the fact that the company of others was acting under the orders of Mr. Luis Vernet, whom the government of Buenos Ayres had appointed commander or governor of the Falkland Islands, stopping or capturing some American ships for an alleged violation of those territories caused by fishing and hunting seals, after a warning that was given to them to desist to do so and to move away from the islands.

To enter into any argument about the right of dominion over these islands is both unnecessary and extraneous to the object of my presentation before you, and could not change the aspect of the case, for if it is as I imagine, the government of Buenos Ayres or any other government that took possession of (the island) and appointed a governor.., such a government would only be obliged to other governments for its own acts, being responsible for the laws of the nations of all its officials...

It follows from the same method of reasoning that Luis Vernet was legally appointed, since his title was granted by persons exercising the powers and functions of government of the Argentine Republic, and being these legally elected and appointed, I would like to express to you that wherever the crime of which he is accused of having committed himself in the performance of his public duties does not belong to him and the reparation must be brought before the Government of Buenos Ayres; when power to authority comes from an established government, I warn that it is only in front of this government that reparations for damages can or should be filed, and not on individuals acting under its authority... Therefore, I see the case of Brisbane, who has been known here as a worthy person; that he was acting through and under constituted authority, and consequently I believe that when you take all these aspects into consideration, together with other circumstances connected with the matter, you will be forced to conform to the most just principles of justice, to give him his freedom.” [1320]

Woodbine Parish pens a letter to Lord Palmerston.

“Upon my arrival at this port yesterday on my Voyage to England, I found the North American Corvette "Lexington" coming in on her return from the Falkland Islands.Captain Graham of His Majesty's Ship "Rattlesnake", now here, has been at my request on board, to obtain what information he could collect as to her proceedings there. He found nearly all the colonists on board; eight (sic) of them as prisoners, the rest of their own accord having requested to be conveyed to Monte Video upon the capture of their companions. The prisoners are the parties who were most active in the detention of the North American Vessels by Mr Vernet's orders; the principal person is Brisbane the Englishman whom I have before had occassion to mention in my despatches upon the subject of these Islands.... they were found and seized by the boats of the "Lexington "and the Commander tells Graham that he intends to send them to the United States for trial as pirates;- this charge I apprehend, cannot be maintained, acting as they appear to have done under an authority from the Government of Buenos Ayres.

1319 *Duncan to Levi Woodbury February 3, 1832.* Duncan's report reached Washington in April.
1320 Quoted in Fitte 1966 pp.113-114 citing *FCO 118/28*

I have taken upon myself to write a letter in favor of Mr Brisbane to Mr Slacum the North American Consul, who happens to be here on a visit from Buenos Ayres, and to say to him that he is a person who has always conducted himself very properly as far as I know, and that I trust his previous good character will avail him as far as possible in his present circumstances…" [1321]

Parish also notes the arrivial of papers from Washington DC and summises that Commander Duncan will await the arrival of the new US Minister.

February 4th, put ashore from *Lexington*, those settlers of German origin go to the Consulate of the Hanseatic League to register a complaint about Duncan's action; denying that they had willingly abandoned the colony. [1322]

"The aforementioned German settlers appeared on February 4 before the Anseatic Consul extending a protest against S. Duncan "for the damage caused by the communication of false rumors that caused the abandonment of the colony"…" [1323]

From Montevideo, Consul Hood writes to Minster Fox in Buenos Aires. Informing him of the letter sent to Duncan and to say that he has not received any reply. Also that the USS *Lexington*, is provisioning and clearly preparing to sail. [1324]

February 6th, Montevideo's Department of Foreign Affairs, writes to Buenos Aires.

"… in connection with the arrival at this port of the United States sloop of war 'Lexington' returning from Malvinas and carrying a number of colonists and slaves seized and carried away from that island, as belonging to the establishment of Senor Vernet, the Government of Uruguay, not being duly advised with regard to the conduct of the commander of the 'Lexington' was unable to prevent the secret landing on the coast of this port of the families of the colonists taken from the islands….

In the meantime, the Government intervened with the commercial agent of the United States, desirous of recovering the slaves at least, and saving a part of the property destroyed, and succeeded to its great satisfaction in securing their transshipment and in placing them, as shown in the enclosed list, at the disposition of your Government through the intermediary of the Minister…." [1325]

February 7th, in Buenos Aires, Port Captain and Commander of Registrations, Francisco Lynch, notes the arrival of the Uruguayan packet *Flor del Rio*. On board are; *"Mr Henry Metcalf, Provisional Commandant of the Malvinas Islands, and Dr. Guillermo Dikson, a Dutch (sic) merchant, established there, as well as thirteen negro slaves belonging to Senor Vernet…"*[1326]

February 8th, Minister Garcia instructs Lynch to commence an inquiry. [1327]

1321 *Parish to Palmerston February 3, 1832* in *PRO FO 6/499* also *CO 78/1/163*

1322 Contractually bound to Vernet, they would not have wished to be seen to be in breach.

1323 Caillet-Bois 1982 p.256 fn.20.

1324 Fitte 1966 pp.114-115 citing *FCO 118/28*

1325 Manning 1932 p.211. Signed by Santiago Vasquez.

1326 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.382-383. Also Manning 1932 p.211. Francisco Lynch was the son of *armador* Patricio Lynch. *cf.* 1820. Metcal would have been Metcalf, and William Dickson (not Dikson) was actually Irish. Duncan had transported 15 slaves, two of which were children and perhaps they were not mentioned. The alternative being that two had managed to jump ship. The 13 slaves were placed aboard the warship *Sarandi* until their fate could be decided. Luis Vernet appears to have been billed for their transport from Montevideo. See Pascoe 2022 vol.2 p.109

1327 Peña & Peña 2018 citing *Apendice a los Documentos Oficiales Publicados sobre el Asunto de Malvinas que contiene el Esclarecimiento de los Hechos Perpetrados por el Comandante Silas Duncan de la Corbeta de Guerra de los E.U. Contra aquel Establecimiento y sus Habitantes* Buenos Aires 1832. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939 p.365. Statements taken by Lynch pp.366-380

"The Government, having been instructed by the report of the Commander of the Registry dated the 7th of this month, of the crime committed in the port of Soledad in the Malvinas Islands by the commander of the U.S. warship "Lexington" has resolved that the Captain of the Port immediately proceed to draw up a formal summary of the events referred to, taking the most careful and detailed statements for this purpose, and stating the names of the citizens of this country that the commander of the "Lexington" keeps on board in prison. This is communicated to the Captain of the Port for compliance and subsequent effects. Manuel J Garcia."

Port Captain Lynch takes a joint deposition from Metcalf and Dickson.

"That on 31 December last, arrived at the Port of Soledad, the United States Corvette of War "Lexington" and that its commander immediately disembarked armed people in three boats, imprisoning the individuals who could not escape their fury, used with impunity because they did not find resistance (but there were about fifty people who escaped and went inland); that all the hides that Mr. Vernet had left deposited (placed) them on an American schooner and delivered them to the captain of the Harriet whom Mr. Vernet had brought to this port; they immediately nailed the artillery, burned the powder, and immediately set sail to Monte Video where we arrived on the 8th of the current (month), that there he disembarked the declarants and transshipped to the package "Flor del Rio" the thirteen blacks of Mr. Vernet, which the undersigned have deposited on the schooner "Sarandi" until the Government's resolution, adding that the six children of the country who were there were peons left by the commander of the "Lexington" on board, and who has given sail with them on the 5th of the current (month) to water in the Rio de la Plata and probably between banks, also carrying among their prisoners the English captain Mr. Brisbane, who was with (the) business in that establishment; they add that in the "Lexington" the German families who had been in the Malvinas came to Monte Video, and that before they embarked they killed the dairy cows that Mr. Vernet had lent them for six years and that the hides sold them to captain of the "Lexington", adding that this ship, when arrived before the port, flew a French flag, and made signs asking for assistance, certainly not to alarm the inhabitants of the establishment and that under this stratagem managed to surprise them with impunity, however that they had no way to defend themselves, and in faith of being true and under oath what they have related they sign (below)." [1328]

February 9th, a letter by Luis Vernet is published in *La Gazeta Mercantil*. [1329]

"On the occasion of the hostile outrage committed by the commander of the American Corvette "Lexington" in the Malvinas colony, spiking its artillery, taking several articles from it, putting in jail several individuals he took aboard his ship, removing the slaves of my property, and committing other attacks, .., but he has taken his excess to the point of seizing and bringing Mr. Matthew Brisbane, a vassal of Great Britain, a respected and well-known person who was in that establishment for private interests, for the reason and in defense of its own rights, it was convenient to entrust him with the arrest of the three American schooners, which thoroughly usurped the fishing for which he had (responsibility); in a few days will be published by the press all that occurred for the arrest of the aforementioned three American schooners engaged in seal fishing in the Malvinas,.." [1330]

1328 Fitte 1966 pp.118-119. See also Pascoe 2022 vol.2 Appendix A.26. Puerto Soledad was the old Spanish name for Port Louis. Itself the French name from 1764 until 1767. Seemingly, the authorities in Buenos Aires were unaware that Vernet had renamed the port.

1329 *Malvinas in the Argentine Press: from the creation of the Political Military Commandery to the USS Lexington* Tomas Giudici 2011 in *The Question of Malvinas and the Bicentennial* Agustín M. Romero (ed.) Buenos Aires 2011

1330 *La Gazeta Mercantil* February 9, 1832 part quoted in Fitte 1966 pp.130-131

"... an act of violence as outrageous to the Argentine flag as degrading the American under which it has been perpetrated. There would be no American who knows how to appreciate the dignity of his country, (who) would not be filled with indignation at seeing the national navy, that has given so many glories to their homeland, debased by a coward attack on a defenseless and unprepared establishment."[1331]

A further, separate, statement is taken from Dickson in a question and answer session. [1332] Also from Metcalf.

"... He said: His name was Enrique Metcalf, and he was a merchant, and that he was in the last days of his stay in the Malvinas Islands, replacing the commander of that establishment, Mr. Luis Vernet, due to his absence and through his assignment....

He said: That ... (he) left the Malvinas Islands in the North American war corvette "Lexington;" which was verified by the fact that the commander of the indicated corvette took possession of the establishment of Malvinas, proceeding to nail the cannons, burn the gunpowder, and have a proclamation issued by captain Davidson of the American schooner "Harriet," which was very alarming, and put all the people in fear: reason because they believed that from then on they could not have security in that place; that for such reason and in order to bring Mr. Vernet the documents and papers belonging to him, ... believing his return to be necessary to account for what had happened...."[1333]

February 10th, Captain of the Port, Francisco Lynch, forwards all the statements to Minister Garcia.

February 11th, from Buenos Aires, the *British Packet & Argentine News* reports the reaction. [1334]

"An article in the Buenos Ayres British Packet, of February 11, states that considerable excitement had been caused in Buenos Ayres upon the arrival of the schooner Flor del Rio, from Montevideo, bringing an account of the proceedings of the United States sloop of war Lexington, Captain Duncan, against the colony at Falkland Islands." [1335]

In Montevideo, Commander Duncan informs Consul Slacum that he is prepared to release the prisoners upon an assurance that they had acted under the authority of the Government of Buenos Aires.

"I must tell you that I will hand over and set free the prisoners existing on board of the "Lexington" if the Government of Buenos Ayres gives an assurance that they have acted under its authority." [1336]

The Governor of the Province of Buenos Aires, Juan Manuel de Rosas confirms to his Foreign Minister that he has received a communication regarding the action by the USS *Lexington* and that he; *"... has examined carefully the points that the Minister sets out, and is pleased to communicate his agreement in everything, ..."* Rosas asks to be kept informed. [1337]

February 14th, the Buenos Airean Government publish an official response to Commander Duncan's action. [1338]

1331 *La Gazeta Mercantil* February 9, 1832 part quoted in Caillet-Bois 1982 p.257
1332 Quoted in full in Fitte 1966 pp.121-128.
1333 All statements and depositions in full in Pascoe vol.2 appendix A.26 pp.688-699
1334 Quoted in full in Fitte 1966 pp.138-139
1335 *Reading Mercury* Monday May 28, 1832
1336 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.201-202
1337 Quoted in Fitte 1966 pp.134-135. A muted response. Rosas would retire later that year. For a while, at least.
1338 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.200-201

The Delegate Government of the Province to the People

> *"The official details collected by the Government, have confirmed the truth of the scandalous acts, stated to have been committed in the Malvinas. The Commander of the United States' ship Lexington, has invaded, in a time of the most profound peace, that, our infant Colony; destroyed with rancorous fury the public property, and carried off the effects legally deposited there at the disposal of our Magistrates. The Colonists being unexpectedly assaulted under a Friendly Flag, some of them fled to the interior of the island; and others violently torn from their homes, or deluded by deceitful artifices, have been brought away and cast clandestinely upon the shores of the Oriental State which now extends to them a generous hospitality; while others, natives and fellow Countrymen of ours, are conducted as Prisoners to the United States, for the ostensible purpose of being tried there. The unanimous burst of indignation which this outrage has produced in you, is fully justified; and the same feeling will doubtless be evinced by men of honor in every part of the World, when they hear of this transaction. But, Citizens, it is as impossible that the Government of Washington should approve of such aggressions, as that your Government should tolerate them in silence. The former, acting up to the principles of moderation and justice which characterize it, will doubtless give satisfaction correspondent to the dignity of the two Republics. In the mean time, be assured that, whatever may be the issue of these unpleasant occurrences, your Government will maintain the inviolability of the Persons and Property of North American Citizens, with the same firmness as it will support its own rights, and in no case will stain itself with an ignoble reprisal of innocent men, who are under the safeguard of the national honor."* [1339]

"At that time, public opinion was crying out for effective and severe reprisals, and the exacerbation of the inhabitants caused fear for the fate of the United States citizens who were in Buenos Aires at that time." [1340]

Minister Manuel Garcia withdraws Slacum's *exequatur* – the official recognition of him as Consul.

> *"... the Government, considering the aberration of ideas and irregularity of language in his Official Notes, relative to the occurrences with the American Fishing Vessels on the Coasts of the Malvinas, belonging to and in possession of this Republic, and the prejudices his conduct has given rise to ... has judged it expedient ... to suspend all official intercourse with Mr. Slacum, who can appoint any Person properly qualified to substitute him in his Consular functions;..."* [1341]

"If a minister or charge (d'affairs) of the United States should die in a country so remote as Buenos Ayres, nearly a year from the time of his death would elapse before he could be replaced. The voyage back and forth would consume four or five months: the appointment of a minister would require inquiry and deliberation, and some time would necessarily elapse before the person appointed could prepare himself for a voyage so long, and for a residence in a country so remote. In the meantime it would seem, that some person should be charged with the interests of the United States ex necessitate rei; and if there be no secretary of legation, none would seem so proper for such service as the consul residing at the seat of government; we mean, especially, in all matters relating to commerce." [1342]

1339 Signed by Juan Ramon Balcarce (Minister of War) and Manuel J. Garcia (Foreign Minister).
1340 Caillet-Bois 1982 (6th ed.) p.257
1341 British Foreign State Papers 1832-1833 pp.326-327
1342 Reynolds 1835 pp.489-490

"The idea that Slacum might appoint a deputy was absurd and unprofessional; that could only have been done by the US government." [1343]

La Gaceta Mercantil reports that notices have been sent to the other provinces regarding the *Lexington* 'raid'. [1344]

> *"... invaded on the 31st December last, the port of La Soledad, went on shore with armed men, destroyed the artillery, burned the powder; disposed of the public and private property, and keeps under arrest on board said corvette, the director of the fisheries of the colony, and in irons six citizens of the Republic."* [1345]

"The newspapers were filled with inflammatory publications. ... In this paroxysm the government admitted what they had carefully abstained from admitting before, - that Vernet was the civil and military governor of the Falkland Islands." [1346]

On the same day, Slacum's reports reach Washington DC.[1347] Secretary Edward Livingston immediately sends further instructions to Francis Baylies regarding the approach that he should adopt on arrival at Buenos Aires.

> *"About the time of the arrival of the schooner, the United States' sloop of war Lexington, Captain Duncan, put into Buenos Aires, and after waiting some days for the answer of that Government, sailed, as we understand by advices from Montevideo, to the Falklands with the purpose (avowed to the Government of Buenos Aires) of protecting our commerce, and disarming the band whom Vernet had left with orders to seize all Americans who might be found there.*
>
> *Should this purpose be executed, you are to justify it not only on the general grounds in your instructions, but on the further facts disclosed in the protest of the Captain of the Harriet, which show the lawless, and indeed piratical, proceedings of Vernet and his band – Imprisoning the crews – leaving part of them on desert islands – sending others to distant foreign ports – refusing them liberty to come with their vessel to the port where he sends her for condemnation – forcing others into his service – encouraging desertion from out vessels – robbing those which he seized of their cargoes, and selling them for his own use, without any form of trial or show of authority from the Government for such acts – and, finally, robbing shipwrecked mariners of the United States and forcing them, by threats into his service. ...*
>
> *Whether the Government of Buenos Ayres have a title to the jurisdiction of the islands, or have not – if they have jurisdiction, they have no right to use it as in any way to interfere with our right of fishery, established by long usage; but above all to use it in the irregular manner stated in the affidavits... You are particularly further instructed to use all your endeavors to prevent this incident from becoming an obstacle to the formation of a commercial treaty. ..."* [1348]

"In further instructions sent to Mr. Baylies on the 14th February, 1832 it was stated that the facts in the possession of the United States Government showed clearly that Vernet's establishment on the islands was dangerous to United States commerce, ..." [1349]

1343 Pascoe 2022 vol.2 p.111

1344 Responses from San Luis and Santiago del Estero are noted in detail in Caillet-Bois 1982 p.258 fn.25.

1345 Quoted in full in Fitte 1966 pp.137-138.

1346 Reynolds 1835 p.491. In fact Vernet's title was Civil and Military Commandant (not Governor), albeit not gazetted.

1347 Slacum's letters of November 23, and December 9, 1831. The first regarding Vernet's contract with the ex-*Belleville* men, and Davison's first affidavit. The latter enclosing Davison's second affidavit, together with copies of the Consul's correspondence with Commander Duncan.

1348 *Livingston to Baylies February 14, 1832* in Manning 1932 pp.12-13

1349 *United States and the Question of the Falkland Islands* A. F. Orchard 1928

February 15th, back in Buenos Aires, four days after receiving Commander Duncan's overture, George Slacum notifies the Foreign Ministry of Duncan's offer to release his prisoners. He adds that the vessel is due to sail for Rio de Janeiro on the 16th. On receipt, Minister Manuel Garcia immediately responds. [1350]

> *"The Undersigned, Minister of Foreign Relations, … begs to state that Mr. Vernet was appointed Military and Political Commandant of the Malvinas, in virtue of the Decree of the 10th of June, 1829, published on the 13th of the same month; consequently the said Vernet, and the individuals serving under him, can only be amenable to their own Authorities."* [1351]

"That reply was illogical – if Vernet had been appointed Commandant it would be logical to say that he had been acting under the authority of the Buenos Aires government, rather than that he could only be judged by his own authority. Rosas was already trying to fudge the issue, or else was trying to place full responsibility upon Vernet." [1352]

USS *Lexington*, has already sailed.

From Washington, Navy Secretary Levi Woodbury writes to Duncan; *"The course of the proceedings until now has the approval of the Department. More specific instructions for the future, as well as to solve the inconveniences in the Falkland Islands, have been sent to the Commander of the Brazil Squadron."* [1353]

From Buenos Aires, Minister Fox brings London up-to-date*; "… Mr. Vernet, … declares … that he had authority from the Buenos Ayrean Government, as their officer, for all the acts committed by himself and his agents.."* [1354]

Fox also writes to the British Consul in Montevideo; *"It is preferable for us to avoid taking any steps in matters connected with the Falkland Islands that may imply a recognition of rights of the Government of Buenos Ayres to exercise sovereignty over them."* [1355]

February 16th, in a note to the Minister, Slacum declines to appoint any successor. [1356]

> *"The Undersigned will not allow himself to make any observations upon the novelty of this procedure, but will only say that he has not received instructions from his own Government to cease his Consular functions here,…"* [1357]

"… believing that an insistence – bordering on impertinence – could keep him in his functions, he replied to the Government, expressing surprise at the decision adopted, as well as not having received until that time, any instructions from his Government to cease his consular functions, for which reason he excused himself from appointing a replacement." [1358]

On the same day, a Prize Court in Buenos Aires opines that the seizure of the three American ships was legal.

> *"The right of the Argentine Republic to the possession and ownership of the Malvinas Islands and Coasts being **incontestable**, and considering the tenacious insistence with which the Captains of the North American ships known as the Schooners "Superior", "Harriet", and "Breakwater" continued in*

1350 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 p.202
1351 Quoted in Fitte 1966 p.142. Greenhow (1842) describes this as "*ambiguous*."
1352 Pascoe 2022 vol.2 p.111
1353 Quoted in Fitte 1966 p.143. Presumably a reference to the orders sent on January 4, 1832.
1354 *FO 6/499*
1355 Quoted in Fitte 1966 pp.115-116 citing *FO 118/28*
1356 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.203-204
1357 Manning 1932 pp.89-90
1358 Caillet-Bois 1982 (6th ed.) p.258

the fishing of amphibians upon the said coasts, even after the warning given to them by the political and military Commandant of the Establishment that they were to abstain from continuing with it; as a result of what has occurred the detention and confiscation of the said ships and their respective cargoes is declared legal and just." [1359]

Although the court rules in Luis Vernet's favour, no order for the disposal (sale) of the ship is made; leaving Vernet without the use of the vessel and little prospect of compensation.

"It would have been normal for the government to arrange a sale, the proceeds of which would be paid to those involved in proportion to their rank, but the government did nothing and the ship lay rotting. She later failed to sell at two auctions, and in November 1833 she was still unsold." [1360]

Luis Vernet pens a letter addressed to Matthew Brisbane, en-route to Rio de Janiero aboard *Lexington*.

"Dear Brisbane, I most sincerely regret the misfortunes that have so unjustly befallen you. It is certainly hard, very hard, for an honest man to be treated as a pirate." [1361]

February 17th, Luis Vernet has a letter published in *EL Lucero* arguing his right to seize the American ships. [1362]

An article in *La Gaceta Mercantil*, calls for a display of nationalism from the provinces. [1363]

February 18th, from Montevideo, Consul Hood writes to Lord Palmerston in London to inform him of the continued detention of Matthew Brisbane. He encloses Minister Fox's letter of the 15th. [1364]

February 20th, from Buenos Aires, George Slacum writes to advise Secretary Livingston of the withdrawal of his e*xequatur*. He encloses a copy of *La Gaceta Mercantil*.

"What may be the ground of complaint on the part of this Government against me, I am at a loss to conceive... You will perceive, Sir, that every measure has been resorted to by this Government to inflame the minds of the people; and the ridiculous and false statements in the accompanying Gazettes will give you proof of the assertion...

Mr. Fox, the English Minister, opposes the preposterous claim of this people, and his opinion is, that his Government will insist upon the entire breaking up of Vernet's establishment and throwing the fisheries open, as heretofore, to all nations. You will understand, Sir, that no English vessel has been captured or molested. And why? They durst not do it. And at the moment of seizing upon our vessels, they knew they stood upon disputed territory, and for which they had not the title deeds. Sir, this Vernet has remained in those Islands upon sufferance; and he had been ordered by the British Consul here not to interfere with English vessels." [1365]

In a postscript, Slacum highlights:

1359 Judgment of Dr. Jacinto Cardenas in Pascoe 2022 vol.2 p.113 citing AGN VII 13, doc.8. Also Fitte 1966 pp.171-172 and Caviglia 2015 p.47. Mt emphasis.

1360 Pascoe 2020 p.135

1361 Pascoe 2022 vol.2 p.123 fn.3 citing AGN VII, 132, doc.138. This letter had a postscript added dated March 5, 1832 and so may only have been sent after that date, if sent at all. A further letter was addressed to the arrested gauchos, telling them not to fear.

1362 Quoted in full in Fitte 1966 pp.158-171. Also published in *The British Packet & Argentine News* February 25, 1832, and in two parts in *La Gaceta Mercantil* February 28 & 29, 1832.

1363 *La Gazeta Mercantil* February 17, 1832 no. 2410 p.2 col.3

1364 Fitte 1966 p.149 citing *FO 115/59*

1365 *British & Foreign State Papers 1831 – 1832* p.330

"The decree to which the minister refers, dated June 10, 1829, was passed during the brief revolutionary Government of Lavalle, which, ever since, has been called "intrusive" by the present (government), and almost all his acts declared void." [1366]

February 21st, Buenos Airean newspaper, *El Lucero,* calls for a forceful reaction from the Provincial Government. *La Gazeta Mercanti*l reports the withdrawal of Slacum's e*xequatur*, and that he; *"... refused to appoint a successor and to deposit the U.S. naval papers with the Harbour Master's Office of the Port, which stored all the navigation documents of vessels from countries that did not have a Consul in Buenos Aires."* [1367]

Back in the USA, Francis Baylies, who has yet to depart, acknowledges Secretary Livingston's letter of February 14th.

February 22nd, *La Gazeta Mercantil* notes that the ship-of-war *Sarandi* is being recommissioned and rearmed by the provincial government of Buenos Aires. [1368]

"... it is indicated that the Sarandí was the object of a general retouch, because, in addition to renovating all the dead work and being rigged again, she was equipped with weapons and another crew. For this reason, the word spread "that the Government is assigning it to a commission. We do not know the basis of this rumour."..." [1369]

February 25th, in London, William Langdon's January 20th request that the concession granted him by Luis Vernet be recognised as legal, is forwarded for the information of Lord Palmerston.

"I am directed by Viscount Goderich to transmit to you for the information and consideration of Viscount Palmerston a copy of a letter which has been received from Mr Langdon, a lieutenant ofthe Royal Navy, enclosing a grant which has been made to him of a tract in the eastern Falkland island by Don Lewis Vernet, in the assumed character of "Governor of the Fallkland islands and adjacencies," and by virtue of the authority committed to him by the Republick of Buenos Ayres. Lord Palmerston will note that this Grant, dated in October 1831, has emanated from Don Lewis Vernet, a considertable time after the Protest which His Majesty's Charge d'affaires at Buenos Ayres had in conformity with his instructions delivered to the Government of that State against the pretensions of the Republick to exercise Rights of Sovereignty over the Falkland Islands, and as it appears that no notice has been taken by that Government of His Majesty's Rights, I am instructed to request that you will suggest for Lord Palmerston's consideration the propriety of directing His Majesty's Charge d'affaires at Buenos Ayres to demand the immedaite and formal revocation of any Commission or Authority which may have been granted by the Republick to Don Lewis Vernet to exercise the powers of Government in the Falkland Islands." [1370]

"... and as it appeared that no notice had been taken by that Government of the protest and that the act exercised by Vernet was derogatory to His Majesty's rights, they suggested that Lord Palmerston should direct His Majesty's Charge d'Affaires at Buenos Aires to demand the immediate revocation of any commission or authority which might have been granted by the Republic to M. Vernet..." [1371]

From Buenos Aires, George Slacum writes to Secretary Livingston in Washington DC reporting the closure of the US Consulate and adding his opinion as to rights on East Falkland Island.

1366 Fitte 1966 p.149
1367 Giudici 2011
1368 *La Gaceta Mercantil* February 22, 1832 no.2414 p.2 col.3
1369 Caillet-Bois 1982 (6th ed.) p.284 fn.1
1370 *Hay to Shee February 25, 1832* in *PRO FO 6/499*
1371 Bernhardt 1911 p.17

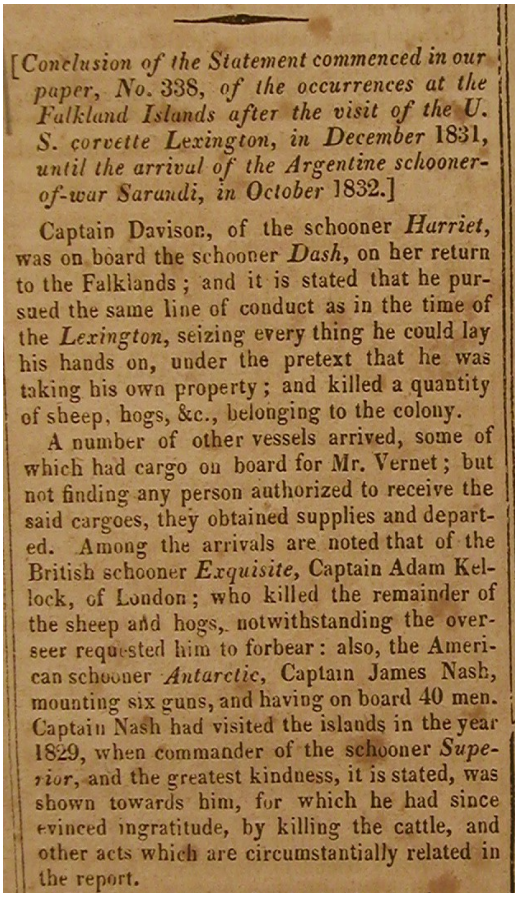
"These people have no right to these islands. Nor have they had an officer or soldier in them. Vernet is an adventurer and the Colony as they call it, consisted of about forty people of all kinds hired privately and at his service. They call this a Republic and you can be sure that there is no more despotic monarchy on earth; the governor is vested with extraordinary powers and his word is law."[1372]

"The Buenos Aires government had now severed all contact with George Slacum; there was now no official channel for any communications between the governments of Buenos Aires and the United States..." [1373]

February 29th, in London, Lord Goderich's secretary responds to William Langdon.

"Having laid before Lord Goderich your letter of the 20th ult°, with the paper therein enclosed which you have submitted for his Lordship's consideration, as purporting to be a Grant made to you of a tract or tracts of land in the Falkland Islands, under the hand and seal of Don Lewis Vernet in the alleged capacity of Governor of those Islands and "Adjacencies", - I am directed by his Lordship to acquaint you, in reply, that His Majesty's Govt. neither recognises the official character of Don Louis Vernet, nor the right of the Government of Buenos Ayres to exercise, or to delegate to any person to exercise, the powers of Government, or any authority whatsoever in the Falkland Islands over which, on the contrary, His Majesty claims, and continues to assert the Rights of Sovereignty... You must act in this matter entirely at your own hazard." [1374]

March 2nd, at Rio de Janeiro, USS *Lexington* anchors at the US station with seven prisoners on board. Reporting to his commanding officer, Silas Duncan receives word that his father-in-law has died and that he is required to return home.



[*Conclusion of the Statement commenced in our paper, No.* 338, *of the occurrences at the Falkland Islands after the visit of the U. S. corvette Lexington, in December* 1831, *until the arrival of the Argentine schooner-of-war Sarandi, in October* 1832.]

Captain Davison, of the schooner *Harriet*, was on board the schooner *Dash*, on her return to the Falklands; and it is stated that he pursued the same line of conduct as in the time of the *Lexington*, seizing every thing he could lay his hands on, under the pretext that he was taking his own property; and killed a quantity of sheep, hogs, &c., belonging to the colony.

A number of other vessels arrived, some of which had cargo on board for Mr. Vernet; but not finding any person authorized to receive the said cargoes, they obtained supplies and departed. Among the arrivals are noted that of the British schooner *Exquisite*, Captain Adam Kellock, of London; who killed the remainder of the sheep and hogs, notwithstanding the overseer requested him to forbear: also, the American schooner *Antarctic*, Captain James Nash, mounting six guns, and having on board 40 men. Captain Nash had visited the islands in the year 1829, when commander of the schooner *Superior*, and the greatest kindness, it is stated, was shown towards him, for which he had since evinced ingratitude, by killing the cattle, and other acts which are circumstantially related in the report.

At Port Louis, *Dash* (Oliver Keating), with Capt. Davison on board, returns. [1375]

"About two months after the departure of the Lexington, the American schooner Dash. Keating, master, returned to the islands, not having effected the relief of the 7 American seamen left on Staten Land by the schooner Superior." [1376]

Finding Port Louis effectively defenseless, Capt. Davison helps himself to whatever takes his fancy, ignoring the pleas of the remaining gauchos.

"... it is stated that he pursued the same line of conduct as in the time of the Lexington, seizing every thing he could lay his hands on, under the pretext that he was taking his own property; and killed a quantity of sheep, hogs, &c., belonging to the colony. ..." [1377]

March 3rd, in Buenos Aires, Luis Vernet petitions for a judicial inquiry into the actions of the USS *Lexington* at Port Louis. [1378]

Santiago del Estero joins the Argentine Confederation. [1379]

March 6th, at Rio de Janeiro, Commander Duncan asks permission to return to the USA.

1372 *Slacum to Livingston, Buenos Aires, February 25, 1832*, in Manning 1932 vol.1 p.93
1373 Pascoe 2022 vol.2 p.115
1374 *CO 78/1/384*

In Buenos Aires, *Harriet* remains in the harbour guarded by a schooner-of-war. [1380]

March 9th, in Ireland, the *Dublin Morning Register* reports.

> *"It was stated some time ago in a morning paper that the government of Buenos Ayres had laid claim to the Falkland Islands, which are the property of this country. We find that such is the fact, and that the Buenos Ayrean government has made a grant of the East Falkland Island to a Spaniard named Vernet, in compensation of claims which he had upon Buenos Ayres. Don Louis Vernet has taken possession of this island, of which he has constituted himself governor, and has issued a paper, inviting British and other agriculturalists to take grants of land from him. A very respectable British naval officer has purchased a tract of ten miles, and others are expected to follow his example. It may be important, therefore, to observe, that Don Louis Vernet has no claim to this island.*
>
> *We have authority to state, that our government neither recognises the official character of that person, nor the right of government of Buenos Ayres to exercise, or to delegate to any person to exercise, the powers of government or any authority whatever in the Falkland Islands, over which, on the contrary, his majesty claims, and continues to assert, his right of sovereignty."*

"...journalism seized on the issue and, without much foundation, unleashed random blows. The unfounded criticism gave reason for the Buenos Aires Ministry to gather all the elements referring to the possession of the Malvinas." [1381]

March 12th, at Rio de Janeiro, Commander Benjamin Cooper considers the fate of those detained by Duncan.

> *"About the prisoners that Captain Duncan took, and who are now aboard the U.S. ship Lexington, accused of illegal seizures and looting the schooner Harriet, I had decided to send them immediately to the United States to bring them to trial, but after reflection I thought it would be more advisable to have them detained until our Charge d'Affairs gets to Buenos Ayres, who I perceive from the American newspapers has been specially appointed to investigate the affront committed with our commerce in the Falkland Islands; however, in case of no instructions concerning the capture of the prisoners, I will then send them to the United States for trial."* [1382]

March 15th, US Commodore George Rodgers arrives at America's Rio de Janeiro station

"The Commodore felt that inasmuch as the possession of the island by Vernet and his followers was notorious and recognized to be so by the majority of Americans residing in Buenos Aires, it would be very difficult for an American court to convict the prisoners taken by Duncan as pirates. The Government would simply, in Rodgers' view, be put to the expense of returning innocent men to Argentina." [1383]

1375 Exact date of *Dash's* return is unknown, but reports suggest that it was approximately 2 months after it had sailed from the Falklands. In June, 1832, Keating wrote to Silas Duncan to report his actions after leaving Port Louis on January 23, 1832. Unfortunately, Keating provided no dates and his wording was ambiguous. However, his return to Port Louis with Davison was noted in the verbal accounts made out by the gauchos in January, 1833. See Pascoe 2022 vol.2 pp.117-119

1376 Letter published in the *Gaceta Mercantile* on February 1, 1833 signed by *"several individuals arrived at this port in the national schooner of war Sarandi from the Falkland Islands."*

1377 *British Packet & Argentine News* March 2, 1833.

1378 Pascoe 2022 vol.2 p.115. Nothing seems to have become of this.

1379 San Juan would join in May; Salta and San Luis in July; La Rioja in August; Catamarca in September and finally Túcuman in October. Slowly the defunct United Provinces re-united under the Federalist system.

1380 *Slacum to Livingston No.10 March 20, 1832*

1381 Caillet-Bois 1982 (6th ed.) pp.315-316 fn.29

1382 Quoted in Fitte 1966 p.179

1383 Monroe 1997

March 16th, from the British station at Rio de Janeiro, British Rear Admiral Thomas Baker, writes to the Admiralty in London.

> *"... on the 13th, the Enterprize, United States schooner of war, bearing the broad Pendant of Commodore Geo. W. Rodgers, as Commander of the United States Squadron on the Coast of Brazil, anchored here from New Your,... How far the present appearance of Commodore Rodgers in these seas, has connexion with the angry discussions which have arisen between the North American and Buenos Ayres Governments, I am yet unable to determine; but Mr Slacum, the United States' Resident at Buenos Ayres, is reported to have threatened the latter Republic with an early accession of Naval force, to demand justice & a suitable reparation for the injuries inflicted upon his Countrymen at the Falkland Islands.*
>
> *These movements have increased the number of Foreign Ships of war in this Port, to whit – the French Frigate Herminie, Commodore Villeneuve, - the United States' Corvettes Warren (with the broad Pendant of Commodore Rodgers), & Lexington, & the Enterprize schooner; together with the Brazilian Frigates, Constitution, Piranga, & Bahiana, the first & last of which are very fine Vessels, with few men, & those of an inferior description. ..."* [1384]

"It was rumoured, at this time, that the American Government actually contemplated taking possession of the Falklands, on their own account, for the purpose of establishing there a naval depot to protect their fisheries and promote their trade with the South American Republics;..." [1385]

"He reported that the dispute between the United States and Buenos Aires was causing a naval build-up in the South Atlantic ... and listed the warships currently at Rio: the large French frigate Herminie and the US squadron of Warren, Lexington, and Enterprize, which might be planning a further move against Buenos Aires in the Falklands, possibly affecting British interests. He also enclosed a copy of Vernet's "Advertisement", in which Vernet called himself "the Owner of East Falkland" – another challenge to British interests." [1386]

Rear Admiral Baker adds his belief that the French also have hopes of re-occupying the Falklands. [1387]

March 20th, in London, Lord Palmerston receives intelligence from Britain's *charge d'affaires* in America.

> *"I am informed by the Secretary of State, that measures have been taken with a view to putting an end to the Govt. recently erected by one Vernet, in one of the Falkland Islands; under a pretended grant from the Govt. of Buenos Ayres.*
>
> *It was under these circumstances that he took possession of one of them with the assistance of a party of a few hundred renegades composed of every nation. Some time since an American vessel was taken, carried into Port and condemned by Vernet. As soon as their outrage was known here immediate measures were taken for procuring the release of the vessel, and upon the arrival of the United States sloop of War, Lexington, off the island, her Commander demanded the restitution of the vessel and gave notice that he should trial Vernet as a Pirate and destroy the establishment under his orders.*
>
> *I understand from Mr. Livingston that the Govt. of Buenos Aires was duly appraised of these intentions, and a direct protest was made against the usurpation attempted by Vernet, under colour of authority from that Republic.*

1384 *PRO 6/499 fols.150-151.* Forwarded from the Admiralty to the British Foreign Office on May 7, 1832. see below.
1385 *The Falkland Islands, &c. &c. Compiled from ten years investigation of the subject* G. T. Whitington 1840
1386 Pascoe 2020 p.137
1387 Cawkell 2001 p.59. There is some evidence that French Ministers reviewed their possible claims to East Falkland Island around this time. See April 27, 1832, below.

I am informed that H.M. Charge d'Affairs (Parish) protested in 1829 against the pretensions of Buenos Aires to the sovereignty of the Falkland Islands. The Secretary of State asked me if I had received any intelligence from my Govt. upon the subject, and he begged that I should communicate to him what I might hereafter learn either with respect to the question of sovereignty of those Islands or of their temporary usurpation by Vernet.

I told Mr. Livingston that I should write to your Lordship, and whatever you might be pleased to direct should be forthwith communicated to him. He declares that there is not the slightest intention on the part of the United States to establish themselves in any way on the Falkland Islands but merely to punish the self styled Chief for his fragrant insult to the American flag." [1388]

"... the despatch was read without undue haste in London, and it was only forwarded in 11 July to R. W. Hay for the information of Viscount Goderich, Secretary of State for War and the Colonies." [1389]

From Buenos Aires, on the same day, George Slacum writes once again to Secretary Livingston to report events in the city; *"As I had anticipated, other changes have taken place in local government; the two ministries with which I corresponded in the case of the Falkland catches, had resigned; the last one, Garcia, did it a few days after he distinguished himself with my suspension note. Three new ministers have taken office..."* [1390]

March 22nd, Lord Palmerston writes to Minister Fox in Buenos Aires.

"I herewith enclose Copies of a letter and its Inclosures, recently addressed to my Office by direction of Viscount Goderich, upon the subject of the Falkland Islands. It appears from this communication that, notwithstanding the formal Protest made in 1829 by the British Charge d'Affairs at Buenos Ayres in the name of His Majesty by which His Majesty's Right of Sovereignty to the Falkland Islands was distinctly made known and declared to the Government of Buenos Ayres, and notwithstanding that the Government of Buenos Ayres has not, in reply, attempted to deny that Right, nor alleged any claim of Right on its own part, yet nevertheless that Government has made a grant of these Islands to Mr. Lewis Vernet, thereby assuming the exercise of a Right which does not belong to it, and infringing upon, and violating the just Right of His Majesty.

The grounds upon which H.M's Rights of Sovereignty rest have already been sufficiently set forth in Mr Parish's Protest of 19th Novr 1829 and it is not necessary for you on this occasion to repeat them, but you are now instructed, with reference to that Protest, to demand from the Government of Buenos Ayres, the formal and immediate Revocation of any Authority or Commission which it may have granted to Mr. L. Vernet, or to any other persons, to exercise any Powers of Government in the Falkland Islands." [1391]

"Britain had had extensive rights in the Falklands for over 60 years, beginning in 1765 ... there had been a constant presence of British ships, and the Falklands were important to Britain – they lay on the route to the Pacific, along which passed a growing volume of British trade. Britain could not permit a presence by any other power, nor the existence of any "nest of pirates"." [1392]

1388 *Charles Bankhead to Lord Palmerston 22 March, 1832* in *FO 78/1/169.* Also *FO 97/35*.
1389 Pascoe 2022 vol.2 p.116
1390 Quoted in Fitte 1966 p.181. This letter also mentioned the departure of Woodbine Parish to London.
1391 *CO 78/1/193.* Also in Field 1928 paras 74/75.
1392 Pascoe 2020 p.137

"Palmerston evidently believed that the "grant" of the islands to Vernet was made subsequent to, and in defiance of, Britain's protest of 1829, but in fact his grant of land dated from January 1828, and his appointment, whatever its legality, from 10 June 1829 – Britain's protest of 19 November 1829 had been a response to his appointment, not the other way around." [1393]

March 25th, at Rio de Janeiro, awaiting orders and mindful of the allegations being made in Buenos Aires regarding his actions, Silas Duncan requests an official inquiry to review his conduct at Port Louis.

"There were no indications of a national colony authorized by law, nothing but a band of wild and lawless adventurers. A German, naturalized in North America, had delegated his powers to a citizen of the United States (one Metcalf, from Portland, in Maine), and directed him to seize the vessels, and imprison the persons of his own country men; and the principal agent in his outrages against the fisher men was one Matthew Brisbane, a British subject. Duncan intended no insult to the authorities of Buenos Ayres; but under his general instructions to protect American commerce and American citizens, he did his duty." [1394]

March 30th, in Buenos Aires, Luis Vernet submits a petition to the Foreign Ministry, alleging that he has been slandered by ex-Consul George Slacum.

> *"... both in his official notes and also extra-judicially in several meetings,.. current information is that the said Mr. Slacum is preparing to leave the country. ... I request that the Department of Police and the Captain of the Port be informed so that the said gentleman is not allowed to leave, either by land or by water."* [1395]

From Rio de Janeiro, Commodore George Rodgers sails in USS *Warren*, bound for Buenos Aires. Accompanied by *Lexington* and *Enterprize*. Silas Duncan remains at the US station.

March 31st, in Buenos Aires, responding to Vernet's petition, the Auditor General confirms that a complaint of slander can proceed. [1396]

"... Consuls, like Mr. George W. Slacum, enjoy no privilege except to be prosecuted before the ordinary courts of the country." [1397]

April 3rd, in Washington DC, Silas Duncan's February 3rd report arrives. US Secretary of State Edward Livingston immediately sends further instructions to Baylies.

> "*It is proper you should, as soon as possible, know that the President has signified to Captain Duncan that he entirely approves of his conduct ... You will, therefore, justify the acts of Captain Duncan to the Buenos Ayrean Government: ...*" [1398]

Secretary Livingston also refers to Vernet's actions as having; *"... no circumstance that can distinguish them from piratical acts..."* [1399]

1393 Pascoe 2022 vol.2 p122. Vernet's appointment had not been gazetted. Only the creation of the Political & Military Command had been made public in 1829. Minister Fox would write to Palmerston in May, 1832 to correct this misunderstanding, but by then events had rather overtaken him.
1394 Reynolds 1835 p.494
1395 Quoted in Fitte 1966 p.182.
1396 Caillet-Boise (1982 p.259 fn.29) notes that the "*the indictment did not succeed*".
1397 Fitte 1966 p.183
1398 *Livingston to Baylies April 3, 1832* in Manning 1932 p.14. In full in Pascoe 2022 vol.2 pp.122-123
1399 *Ibid.*

April 4th, Secretary of the Navy, Levi Woodbury, writes to Duncan to say that an inquiry is unnecessary.

> *"Under the circumstances detailed in your letter, the President of the United States approves the course which you pursued, and is much gratified at the promptness, firmness and the efficiency of your measures."* [1400]

In Madrid, Spain, Secretary Livingston's January 11th despatch to Van Ness arrives. [1401]

At Port Louis, Capt. Congar, commanding *Superior*, returns having completed the terms of the contract agreed with Vernet in September, 1831. Finding Vernet, Brisbane and Metcalf all gone, and hearing of the visit by the USS *Lexington*, Congar sails for New York with his cargo of oil and seal skins. [1402]

Other sealers and whalers visit Port Louis.

"A number of other vessels arrived, some of which had cargo on board for Mr. Vernet; but not finding any person authorized to receive the said cargoes, they obtained supplies and departed. Among the arrivals are noted that of the Exquisite, Captain Adam Kelock, of London; who killed the remainder of the sheep and hogs, notwithstanding the overseer requested him to forbear:..." [1403]

"The number of ships visiting Port Louis seems to have increased considerably after Louis Vernet's departure – perhaps the news got around that he had gone. ... the five gauchos mention eleven visits, by nine individual ships;..." [1404]

April 11th, off Montevideo, Commodore Rodgers' squadron anchors. Matthew Brisbane, still detained on *Lexington*, arranges for papers to be passed to the British Consul, Thomas Samuel Hood.

April 12th, Consul Hood writes to Minister Fox in Buenos Aires.

> *"The American corvette "Lexington", accompanied by another corvette and a schooner, anchored on the outskirts of this place, last night; ... I imagine that this squadron has come to this river to intimidate the government of Buenos Ayres in the matter of the Falkland Islands."* [1405]

April 15th, the prisoners aboard *Lexington* are transferred to USS *Warren,* which, escorted by USS *Enterprize,* sails to Buenos Aires. USS *Lexington* remains at Montevideo.

> *"The arrival of the sloop-of-war Warren, and the schooner Enterprize, in the harbor of Buenos Ayres, in the middle of April, produced a sensation in this city, and was the prevailing topic of conversation. Some irritation prevailed on account of the summary arrest of the persons acting under Vernet; and as the Falkland Islands had been virtually abandoned for many years, it was not known what tone the Government of the United States might assume, in relation to the subject of the difficulties."* [1406]

From Washington DC, Britain's *charge d'affairs* reports that the Americans are not in any mood to permit an interruption of their perceived fishing rights in the South Atlantic.

1400 *US National Archives, Naval Record group 45, M147, microfilm 18*
1401 *Van Ness to Livingston Dispatch No. 34 1832*
1402 *Krumbhaar to Burrows Sept 10, 1832* in *AGN VII 132 doc.146.* See June, 1832
1403 *British Packet & Argentine News* March 2, 1833 citing a report dated January 30, 1833 signed by the gauchos - Jose Baez, Manuel Ruiz, Mariano Lopez, Mateo Gonzalez and Joaquin Acuña.
1404 Pascoe 2022 vol.2 p.129
1405 Quoted in Fitte 1966 p.186 citing *FO 118/28.* USS *Warren* was the other corvette. The schooner; USS *Enterprize*.
1406 *British Packet & Argentine News* quoted in the *New York Spectator* July 21, 1832

From Montevideo, Britain's Consul informs London that he believes that the Americans are likely to question ownership of the Falklands. He refers to rumours that merchants in the USA are attempting to buy out Vernet's partners. [1407]

April 18th, in Buenos Aires, Luis Vernet writes to the Foreign Ministry.

"... enclosing a Spanish translation of the contract of 8 September 1831 with the captains of the Harriet and Superior ... He says his demands include the return of the hides illegally removed from what he calls the "deposito judicial" (he thus maintains Dickinson's store was functioning as a kind of bonded warehouse to store goods until they were released by court decision), and of the "goletilla Malvinera" ("the little Malvinian schooner") to her "flag", i.e. to the flag of Buenos Aires. The "goletilla" was the shallop Eagle built by the Belleville men, who undoubtedly regarded her as their own property, and the flag was actually the United States flag. Vernet says she had been handed to her crew by the captain of the Lexington "without any form of trial" ("sin forma alguna de proceso"). He calls that act "scandalous", but it was a clear case of the pot calling the kettle black, since he himself had seized three ships, sold some of their cargo and taken two of them into his service, all without any form of trial." [1408]

April 19th, from Montevideo, Consul Thomas Hood, responds to Matthew Brisbane.

> *"Sir, I have perused the several papers which you sent me to look over, and I am convinced they put you beyond any charge of Piratical acts. Whether the B^s^ Ayres Gov^t^ had a right – or not – to nominate a Governor of the Falkland islands; Yet nevertheless they did, with or without that Right, appoint M^r^ Vernet, whose appointment has recently been acknowledged in a public Decree, and as you acted under his Instructions (copies of which are enclosed, the Originals being for safety retained in my office until you require them) your acts of necessity became the acts of the Gov^t^ of B^s^ Ay^s^ – which Government is bound to see justice done you..."* [1409]

April 24th, at anchor off Buenos Aires, after consulting with George Slacum, Commodore Rodgers writes to Don Vincente López, the most recent Foreign Minister at Buenos Aires.

> *"It seems that before his departure from Buenos Ayres, Captain Duncan wanted to ascertain whether the persons indicated were under the authority of this Government; and that without any official statement on the matter, ... He, therefore, felt obliged to proceed to the Falkland Islands... After this event, the Government of Buenos Ayres has officially declared that the establishment on the Falkland Islands was under its special protection; and that the individual in charge of the work was under its special authority. Consequently, the Government is responsible for the improper conduct of its agents."*[1410]
>
> *"The undersigned considers that after this declaration, the persons arrested by Captain Duncan are no longer responsible, ... He will therefore set them at liberty, and will put them on shore at Buenos Ayres, at the disposal of this government, as soon as he is informed to whom he is to deliver them. The undersigned on adopting this measure, proceeds without instruction from his government, but believes it will be perfectly in accordance with the sentiments which animate it towards the government of*

1407 Cawkell 2001 p.59. Unfortunately, no sources are cited.
1408 Pascoe 2022 vol.2 p.129
1409 *Hood to Brisbane April 19, 1832 Montevideo* in *AGN VII 130 doc 15*. Original emphasis. Which papers were viewed is not stated, but Brisbane had been very careful to get Vernet's orders in writing when seizing the American ships.
1410 Rodgers quoted in Fitte 1966 p.188. In full in Pascoe 2022 vol.2 p.126

Buenos Ayres, and hopes that the minister will consider this act as a proof of his desire to maintain a good understanding between both nations. It is not the wish or intention of the undersigned to discuss the question pending between the two governments; this he leaves to the agent duly authorized to treat upon that and all other matter of negotiation, and whom it is to be expected will shortly arrive at Buenos Ayres. In the mean time, the undersigned would extremely regret that any event in the Falkland Islands should render it necessary to send a force to those seas, in order to protect the commerce of the United States…" [1411]

Foreign Minister Lopez immediately responds that the prisoners held on *Warren* should be put ashore – adding that; *"This Government, penetrated with the justness of its cause, ardently desires the speedy coming of the agent, whose approaching arrival is announced by the Commander,…"* [1412]

"… a reciprocation of civilities took place — mutual salutes were fired, and the seven men, arrested by Duncan at the Falklands, were surrendered on the ground that they had acted under the orders of Vernet, now acknowledged to be an officer of high civil and military rank under the Republic" [1413]

"… Lopez ordered the adjutant of the Buenos Aires port authority, Pedro Ximénes, to go aboard the Warren, receive the prisoners and take them ashore, but not to release them until he had taken from them a detailed statement about what they had witnessed in the Falklands and about their treatment aboard the Lexington and the Warren." [1414]

April 25th, the Port Louis prisoners are released into the custody of the Adjutant of the Port of Buenos Aires. [1415]

"On Tuesday Captain Cooper, of the sloop-of-war Warren, came on shore with despatches from Commodore Rodgers, and on Wednesday the Adjutant of the Port, D. Pedro Jimens (sic), went on board the Warren, in the Government felluca, to receive the liberated prisoners, … and at 12 o'clock on the same day the Warren fired a salute of 21 guns, with the flag of the Republic at the fore, which compliment was immediately returned from the Fort, by an equal number of guns." [1416]

Depositions are taken from Matthew Brisbane, Jacinto Correa, Dionisio Heredia, José Domingo Ballejos, Juan Brazido, Sivestre Núñez and Manuel Antonio González. [1417]

April 26th, in London, the Foreign Office informs the Colonial Office that the USS *Lexington*; *"… has taken away nearly the whole of the settlers from the Falkland Islands, and has brought them to Buenos Ayres."* [1418]

April 27th, in Buenos Aires, Commodore Rogers is presented to the Governor of the Province. [1419]

1411 Rodgers quoted in the *New York Spectator* July 21, 1832 citing *Rodgers to Lopez 24 April 1832.* Written in the third person.

1412 Lopez quoted in Fitte 1966 p.190

1413 Reynolds 1835 p.492

1414 Pascoe 2022 vol.2 p.127

1415 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.383-384

1416 *British Packet and Argentine News* April 28, 1832, quoted in the *New York Spectator* July 21, 1832. See May 22, 1832

1417 *Documentos Officiales publicados sobre el asunto de Malvinas* 1832. In full in *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.385-394. Also Pascoe 2022 vol.2 Appendix A.26 and Fitte 1966 pp.192-197. In November, 1832, the gauchos received 150 pesos each as compensation from the Government of Buenos Aires. Brisbane, a foreigner, does not appear to have been included.

1418 *Shee to Hay April 26, 1832 CO 78/1/161.* Apparently informed by the letter from Parish dated February 3, 1832. Bankhead's letter of March 20, 1832 was forwarded to the Colonial Office on May 2, 1832.

1419 *British Packet and Argentine News* April 28, 1832, quoted in the *New York Spectator* July 21, 1832. See May 22, 1832

On the same day, Matthew Brisbane has a letter published in the *British Packet & Argentine News* thanking the officers and crews of both *Lexington* and *Warren* for his treatment; *"Capt. Duncan excepted."* [1420]

In Paris, France, Minister of the Navy, Admiral Marie Henri Daniel Gauthier, Comte de Rigny, pens a note to the French Foreign Ministry with regard to any outstanding claim France may have to the Iles Malouines; "*... the Ministry of Foreign Affairs, ..., had analysed everything related to the colonization initiated by Bougainville and the subsequent sale of the Establishment to Spain. On that occasion, the Minister for Foreign Affairs was interested in learning about the deed of cession or transfer. The matter must have been settled, because after a note from the Count of Rigny dated April 27, 1832, we have found nothing to suggest that the subject continued to be of interest to the Ministry.*" [1421]

April 29th, in the Falkland Islands, *Tula* and *Lively* anchor in Berkeley Sound; *"... where they found the British schooner Exquisite, the American schooner Transport under Captain Bray, and the wreck of the American ship Potosi at the entrance to Johnsons Harbour on the north shore of Berkeley Sound, where she had been driven ashore during a southerly gale."* [1422]

May 3rd, in Buenos Aires, Luis Vernet publishes a '*Proclamation*' addressed "*To the Public*" explaining his reasons for seizing the American ships.

> *"I had given friendly warnings to American and British vessels: ... In proof: the British brig Tula, Captain Biscoe, and the Lively, from London, touched at the Falklands in November 1830; the cutter Rose, Capt Davis, also from London, in April 1831. The Masters of these three vessels were expressly enjoined, on their sailing from England, to respect the Colonists, and not to seal on the Islands."* [1423]

"In a public announcement regarding the "Lexington" incident, Luis Vernet reports that the English ships respected the prohibition on fishing in the jurisdiction of the Falklands/Malvinas and that they had been warned to do so by authorities in London." [1424]

"Kohen and Rodriguez have misunderstood their source.. Vernet means of course that the masters of the three vessels were ordered by Vernet himself that when they next sailed from England. They were to respect the colonists and not seal in the islands. The idea that "authorities in London" could have warned British ships not to seal in British territory is ludicrous,..." [1425]

In the Falklands, sealer *Susannah Anne* (Ferguson) returns to Berkeley Sound.

"We had already collected and tamed a considerable number of horses, when the British cutter Sussah Ann(sic), Robert Ferguson, master, of London, anchored near the island. The foreman, fearing that from ignorance the crew might shoot the tame animals, went on board and informed the master that all the animals he saw on the said island had been tamed and were private property, consequently that he must not destroy any of them. Yet, in spite of this warning, he the next day landed his men from several boats, and killed hogs

---

1420 Letter in full in Pascoe 2022 vol.2 p.127

1421 Caillet-Bois (1982 (6th ed.) pp.346-347 fn.7 citing *Archives des Affaires Etrangères, Paris, F'ands Argentine, Correspondance politique, vol. 6, fs. 442 to 445 & 446 to 448.* See January, 1802 & December, 1832.

1422 Pascoe 2022 vol.2 p.129

1423 *Ibid*. p.132. If Vernet was asserting that these ships had been given warnings by the British authorities, he offered no evidence for it. Nor is there anything in the British archives to support such a claim. If he was referring to the circular of November, 1830, of which a copy had been given to Parish, both *Tula* and *Lively* had arrived in Berkeley Sound before Parish had despatched that information to England. Most likely, this was just badly written.

1424 Kohen & Rodríguez 2017 p.130

1425 Pascoe 2022 vol.2 p.132

and sheep; but what proved a still greater injury, the fired at the tame horses, killed some and wounded a considerable number;…" [1426]

May 4th, from London, Lord Palmerston instructs *charge d'affaires* Bankhead, in Washington DC, to present a copy of the 1829 British protest to US Secretary of State Livingston. [1427]

At Rio de Janeiro, on the same day, USS *Peacock* anchors with US *charge d'affaires* Francis Baylies on board.

"Mr. Baylies ... instead of being instructed, according to the suggestions of the governor of the chamber of deputies, to offer reparation and indemnity for Duncan 's act, he was instructed to demand reparation and indemnity for Vernet's acts; ..." [1428]

"On his way through Rio de Janeiro he did not stop collecting reports, collecting in passing the Buenos Aires newspapers that inserted news related to his mission. He also managed to see a copy of Vernet's manifesto (... in a "very rare" English), and although he could only make a superficial reading, he considered it sufficient to give the opinion that it was a "series of crudeness and contradictions"..." [1429]

May 5th, from Washington DC, Bankhead reports to Palmerston.

> *"... information has been received here of a determination on the part of that Republick to support Vernet in his assumed Administration, and to protest against the conduct of Captain Duncan of the United States Ship Lexington, who inflicted summary punishment upon Vernet and his Adherents for his attack and capture of some American merchant vessels. The secretary of State informed me that this Government are determined not to submit to the assumption of Buenos Ayres and they are not disposed to permit any disruption in the exercise of their lawful Commerce in that part of the world,.. Mr Livingston tells me that in a conversation with Mr. Van Buren, your Lordship stated that Great Britain did not forgo any Claim which she may have, at former periods, put forward relative to the Falkland Islands."* [1430]

At the Falklands, *Elizabeth Jane* (Nash) arrives back in Port Louis. In need of beef, but without the means to pay.[1431]

"Nash disembarked his men armed with muskets & pistols & himself with his sword drawn conducted them to surround the house in which there were only five colonists; notwithstanding that he knew that the head man was not there required that they should deliver him up saying that he came to kill him; he then required the immediate delivery of 13 bullocks, saying that he would set fire to all the houses if they were not delivered him & in this manner he obtained them giving in payment a bill against himself and endorsed with the word 'Paid'. The worst is yet to come – he alone with his own hands set himself to shoot the best tame horses, ... he shot many, wounded many more and had they not run away he would have killed every one in the Island establishment – of those wounded several died in the country. The dead horses he skinned & salted...; his men entered a house and robbed it of everything they found in it..." [1432]

1426 Letter published in the *Gaceta Mercatile* on Feb 1, 1833.
1427 *CO 78/1/172.* Also *FO 97/35*
1428 Reynolds 1835 p.494
1429 Caillet-Bois 1982 (6th ed.) p.267
1430 *Bankhead to Palmerstone May 5, 1832* in *FO 97/35/10*
1431 Exact date unrecorded. See April 4, 1832 above.
1432 Report dated January 30, 1833 signed by the gauchos - Jose Baez, Manuel Ruiz, Mariano Lopez, Mateo Gonzalez and Joaquin Acuña in *AGN VII 130 doc.54*. Pascoe (2022 vol.2 pp.130-131) believes that this report had been 'enhanced' by Luis Vernet who took the statement from the illiterate gauchos.

May 7th, in London, Rear-Admiral Baker's March report from Rio de Janeiro, is discussed at a meeting in the Admiralty. Disturbed by events, the Admiralty requests further information.

> *"I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston a copy of a letter from Rear Admiral Baker containing some intelligence respecting the discussion pending between the Government of the Unites States and that of Buenos Aires, relative to the injuries sustained by American Citizens at the Falkland Islands; together with a Copy of a Notice which has been published by a person calling himself the Owner of the East Falkland Island. And I am to request that in laying these papers before Lord Palmerston, you will express to him their Lordships wish to know, whether the Parties, now in possession, are, under existing Treaties with Spain, lawfully entitled to assume possession, & make a settlement on the Falkland Islands."* [1433]

In Buenos Aires, on the same day, the 10th Legislature of the Province opens with a message from Gov. Rosas.

> *"Despite the good understanding which the Government attempts to preserve with friendly States, there has occurred in the Isla de la Soledad in Malvinas an unfortunate event which excited the indignation of the Government and the citizens of this Republic. The commander of the warship Lexington, of the United States, violating the most sacred principles of the law of nations, and in the midst of a most profound peace, destroyed our establishment with armed force.*
>
> *Although the Government has been and is resolved to sustain its rights with firmness, fully persuaded that the Washington Government is not capable of approving such a scandalous attack, and that its moderation and justice will impel it to give satisfaction appropriate to the dignity of the two Republics, it has resolved to wait for a Minister, who according to certain reports, should arrive in this city soon, to deal with this important matter; and it proposes to obtain compensation for so great an outrage by the peaceful means suggested by probity, good faith and sound reason."* [1434]

May 15th, *Strathfieldsay,* en-route from Van Diemans Land to England; *"... made the Falklands."* [1435]

May 16th, from Rio de Janeiro, US *charge d'affaires* Baylies, writes to a relative.

> *"At the Englishman's we had the whole diplomatic corps, the French, Austrian, Spanish, etc. In the dispute with Buenos Aires they profess to be on our side and seem to view the dispute between BA and the US as involving the rights of all maritime nations..."* [1436]

"But the stubborn spirit of the diplomat was far from recognizing how wrong his position was and how false his reports. The discussions with Mr. Aston, Chargé d'affaires of S. M. B., in Rio de Janeiro, would greatly contribute to this, who told him that the English claims on the Archipelago were not abandoned..." [1437]

May 18th, from Rio de Janeiro, Francis Baylies writes to Secretary Livingston in Washington DC.

> *"... The information from Buenos Ayres is unfavourable. I have seen the British Packet, an English paper printed there, to the last of March which seemed to indicate amongst that people a spirit exceedingly hostile to the United States ...*

1433 *Barrow to Shee May 7, 1832* in *PRO FO 6/499 fol.148.* Also a version in *ADM 1/38* quoted in *The Falkland Islands/Malvinas: The Contest for Empire in the South Atlantic* B. Gough 1992.
1434 Pascoe 2022 vol.2 Appendix A.36
1435 *ADM 101/69/7. Strathfieldsay* was a hospital ship.
1436 *Baylies to J.E. Wool 16 May 1832* quoted in *An American Diplomat Writes About Latin America in 1832* Samuel Rezneck in *The Americas* vol. 28, No. 2 (Oct., 1971), pp. 206-211
1437 Caillet-Bois 1982 (6th ed.) p.267

Were the government and people of Buenos-Ayres like the government and people of other nations, I should apprehend from the language of the official acts that war was inevitable, but I am inclined to believe that their "point of honour" may be satisfied by loud talking and that their anger may evaporate in bluster.

My course is a plain one and Capt. Duncan has saved me, as I apprehend, some trouble. Without departing from the most rigid rule of national courtesy I shall not abandon one title of our maritime right. I understand from Mr. Aston, the British Charge here that the claim of Great Britain to the Falkland Islands has never been abandoned, and that it has been formally asserted recently. …" [1438]

May 19th, from Rio de Janeiro, USS *Peacock,* with US *charge d'affaires* Baylies, sails for Montevideo.

May 22nd, in the Rio de la Plata, after complaining of feeling unwell, US Commodore Rodgers dies suddenly aboard *Warren*. [1439]

May 24th, in London, a legal opinion is sought regarding the various claims of sovereignty over the archipelago.

"I am directed by Lord Palmerston to transmit to you the accompanying despatch from His Majesty's Minister at Buenos Ayres giving an account of the proceedings of the Commander of the American ship 'Lexington' at the Falkland Islands in consequence of the seizure of some American vessels by a person who was acting under an authority from the Government of Buenos Ayres as Governor of those Islands….

I am further directed by Viscount Palmerston to transmit to you the enclosed additional papers on this subject referring particularly to a claim which H.M. possesses to the Sovereignty of the Islands in question and I am to request that you will take the whole of these documents into your consideration and report to Viscount Palmerston your opinion whether under all the circumstances of the case the American Government would be justified in bringing the British subject Brisbane to trial for piracy."[1440]

May 30th, after considering the issues, the Lord Advocate, Herbert Jenner, provides an opinion to Palmerston.

"I have perused all the papers transmitted by Sir George Shee, and have the honour to report that, Matthew Brisbane, … appears to have been acting under the authority of M. Vernet the actual Governor of the Falkland Islands, appointed by the Government of Buenos Ayres under an alleged right of sovereignty which they claim over those Islands. It does not appear to me to be necessary, for the purpose of the present Question, to enquire whether this claim is well founded, and is capable of being maintained or not; it is sufficient, as I apprehend, to exempt Brisbane from a charge of piracy, that he was acting, in execution of the order of a regular and acknowledged Government, and in vindication, of what were conceived to be their Territorial rights; I am therefore humbly of opinion that, under the circumstances stated, the Government of the United States will not be justified in bringing Matthew Brisbane to trial for piracy." [1441]

1438 Quoted in Manning 1932

1439 *British Packet & Argentine News* May 25, 1832. Rodgers was 45 years old. Interred with full military honours. Attended by the Minister of War, General Balcarce, representing Buenos Aires, Minister Fox, Secretary Gore, Consul Griffiths, Lieut. Col. Pinedo and Luis Vernet.

1440 *FO 83/2227 at 134*. Documents provided included the protest presented by Parish in November, 1829; extracts from the US Presidential message of 1831, together with all the Fox and Bankhead correspondence.

1441 *Ibid* at 136

In Buenos Aires, considering the Confederation's rights of sovereignty over the Falkland Islands, Minister Vicente López writes to Manuel Moreno.

> *"Nothing has been found to contradict it… No subject of S. M. B. (His British Majesty) has been unjustly disturbed by the authorities of this Republic in Malvinas."* [1442]

May 31st, Britain's Minister Fox responds to Lord Palmerston regarding his instructions of March 22nd.

> *"The actions of the "Lexington" have now greatly exacerbated the irritation among the inhabitants of the city of Buenos Ayres, and the government has since done everything in its power, .., to exasperate those feelings instead of placating them. …*
>
> *I have had the honor of receiving from the packet (ship) "Briseis" the despatch of His Lordship No. 2. dated March 27, containing copies of the correspondence between the Office of His Lordship and the Colonial Office concerning the matter of Mr. Vernet and his establishment in the Falkland Islands, and ordering me to demand (from) the government of Buenos Ayres the formal and immediate revocation of any authority or commission which may have been granted to Don Luis Vernet, or to any other person, to execute any power of government in the Falkland."* [1443]

"He pointed out,.. that the proceedings of the United States in the Falkland Islands,.. had greatly altered the state of the question, and he considered that it would be more prudent to delay carrying out his instructions until he should be able to observe what course the negotiations might take between the Government of Buenos Aires, and that of the United States. He observed that M. Vernet's government and colony had in fact ceased to exist, and that there was not the least chance that either he or anyone belonging to him would ever return thither. He believed that a demand addressed at that moment to the Buenos Aires Government to renounce their pretensions to the Falkland Islands would be laid hold of by them as a means of shielding themselves from the claims of the Americans, and might thus possibly have the effect of engaging His Majesty's Government in a premature and unnecessary discussion with the Government of the United States on the question of the fisheries." [1444]

"Fox added a significant footnote to these remarks, to the effect that from the time that the decree in favour of Mr. Vernet was first issued, until the event of the seizure of the American vessels, the Buenos Ayrean Government (which was in the interval twice revolutionized) had ceased to keep up any communication with the Falkland Islands, and had most likely forgotten their existence." [1445]

"Mr. Fox reported in May of that same year, … (that), the Buenos Aires government "had ceased to maintain communications with the Malvinas and most likely he would have forgotten its existence."…" [1446]

June 6th, in Buenos Aires, Luis Vernet submits a proposal to the Government for the *"re-population"* of Port Louis which, in its first stages would require the despatch of an officer; *"… of known loyalty, accompanied by a few soldiers and some artillery pieces and weapons for field hands, these also to be under the orders of the officer, …"* Vernet also calls for; *"… twenty gunners and their families, many other women, a clergyman, a*

1442 Quoted in Caillet-Bois 1982 (6th ed.) p.316 fn.29. No source cited.

1443 Quoted in Fitte 1966 pp.204-206 citing *FO 115/59* & *FO 118/26.* Arrived London September 1, 1832. Fox delayed execution to observe, so he later said, how the situation with the USA would evolve. It would be September 28, 1832 before a second protest from Britain was presented to Buenos Aires. Palmerston would reluctantly, and with little choice, approve of the delay - *"on this occasion."* *cf.* May 31, and September 28, 1832

1444 Field 1928 para.75. Quoted in full (in Spanish) in Fitte 1966 pp.204-206 citing *FO 118/26*

1445 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing *Fox to Palmerston No.8, 31st May, 1832, F.O. 6/499*

1446 Caillet-Bois 1982 (6th ed.) p.319. No source cited.

doctor, a gunsmith and his four dependent employees." His plan suggests that the *"re-population"* take place during the austral summer, after the vessel which had taken the garrison out had returned with a report. He also calls for the repopulating of East Falkland Island to be *"more complete*," thereby ensuring the, *"mastery of the Republic in those latitudes*." The costs, Vernet believes, can be set off against the compensation that the Americans are certain to pay. [1447]

"The expenditure required for this important issue was of such a nature that it practically inhibited Vernet from carrying it out, since his resources, ..., had been considerably reduced. Fifty thousand pesos amounted to the sum that the State had to provide. He also requested to be allowed to remain in Buenos Aires pending the discussion that would be initiated with the American commissioner; but he was not disinterested, since he made available to the authorities all the constructions (trades, corrals, etc.) existing in Puerto Soledad..." [1448]

Arriving in New York, Stephen Congar (*Superior*) hands his cargo of seal skins and oil over to the vessel's owner, Silas Burrows. The cargo is valued at $8,500. [1449]

June 9th, at Buenos Aires, after sitting out bad weather for four days in *Peacock*, US *charge d'affaires* Francis Baylies is finally able to disembark with his family. USS *Warren* fires a 15 gun salute. [1450]

June 10th, from London, Lord Palmerston sends to Bankhead, in Washington DC, copies of papers received from Montevideo.

> *"His Majesty's Govt indeed denies the Rights of the Buenos Ayres Govt to these Islands, and contend that they belong to the Crown of Great Britain. But the goodness or badness of the Claim of Buenos Ayres does not appear to affect the Cases of Brisbane and Vernet, and as the former was acting under an Authority given by a regular and acknowledged Government, ... he cannot, according to the Law of Nations, be treated as a Pirate, for having so acted. I have therefore to instruct you to ascertain the intentions of the American Govt., with respect to Matthew Brisbane, and in case they shall have determined to bring him to trial under a charge of Piracy, you will make a formal protest against such proceeding..."* [1451]

June 12th, in Buenos Aires, Francis Baylies announces his arrival to the Foreign Minister, Don Vicente Lopez; who promptly resigns. [1452]

"I have endeavored to pursue as nearly as I could the instructions of the Department. On my arrival I found the execution of those instructions partially anticipated by Mr Slacum, Captain Duncan and Commodore Rogers. I was directed to obtain a disavowal of the acts of Vernet, but to make known to the Government of Buenos-Ayres the amicable disposition of the Government of the United States. The acts of Vernet had been avowed by this Government in their correspondence with Mr. Slacum, and the questions in dispute were thus brought to a direct issue between the two Governments. Capt. Duncan had broken up Vernet's establishment at the Falkland Islands. The amicable disposition of the United States had been abundantly manifested in the course pursued by Commodore Rogers, inasmuch as he saluted the authorities on his arrival;- made a friendly visit to the

---

1447 *Ibid.* p.284. The relationship between de Maza and Vernet was described as *"not cordial."* Referring to their exchanges, Vernet said; "*because of my misfortune he always misunderstands me.*" Vernet's proposal does not appear to have received a response.

1448 *Ibid.* p.285

1449 *Krumbhaar to Vernet October 20, 1832* in *AGN VII 130 doc.40*. See September, 1831, April, 1832 & September, 1832

1450 Fitte 1966 pp.207-208. Portrait of Francis Baylies in the Old Colony Historical Society of Taunton, Massachusetts.

1451 *Palmerston to Bankhead June 10, 1832* in *FO 97/35/13*

1452 *Baylies to Livingston June 20, 1832* in Fitte 1966 pp.207-208

Governor;- ... and even surrendered men guilty of the most flagrant acts of violence and piracy on the persons and property of American citizens, and amongst others the infamous Brisbane, a British subject the chief instrument of the piratical atrocities of Vernet. This peaceful conduct was not reciprocated although every thing was done short of national humiliation to soothe and conciliate a Government who virtually acknowledged themselves to have been the aggressors ...[1453] *This absolute assumption of the right to capture American fishermen precluded one of the parties at least from a candid and dispassionate discussion of the question. It was prejudged, and a position was assumed which left the United States no hope of redress and no option but humiliation. Such was the situation of affairs on my arrival."* [1454]

In Washington DC, on the same day, Britain's Ambassador presents Secretary Livingston with a copy of the 1829 protest submitted to Buenos Aires by Woodbine Parish.

> *"Mr. Livingston desired me to state to your Lordship that the measures which the Govt., of the U. States have been obliged to take in this affair, were adopted for the preservation of the lawful commerce of the Citizens of the U. States which was so improperly infringed upon by the self-styled Govt. of Vernet."* [1455]

June 13th, in Buenos Aires, Manuel Vicente Maza, the Justice Minister, takes over the Foreign Ministry on a temporary basis. He accepts the credentials of US *charge d'affairs* Baylies. [1456]

June 15th, Baylies' accreditation is announced in the official *Gazette*.

"At last, after a gap of a year since the death of John Murray Forbes on 14 June 1831, the United States had a properly accredited diplomatic representative in Buenos Aires." [1457]

In the Falkland Islands, at Port Louis, gaucho Telésforo Moreno is murdered.

"Telésforo Moreno was an extremely violent man who terrified the other inhabitants and was murdered by Pedro Salinas and Mariano López in June 1832." [1458]

June 18th, in the city of Buenos Aires, General Balcarse, Minister of War and Marine, attends upon US *charge d'affaires* Baylies at his lodgings; to express the Buenos Airean Government's desire that friendly relations with the USA be restored.

June 19th, from Port Louis, after effecting repairs, *Tula* (John Biscoe) and *Lively* (George Avery) sail.

June 20th, *Tula* arrives at New Island. Also there is an American ship, *Martha*. Nearby, an American whaler *John & Edward*, is anchored. [1459]

From Buenos Aires, *charge d'affaires* Baylies sends a letter to US Secretary Livingston to confirm arrival and accreditation. He then writes to the Buenos Airean Foreign Ministry to accuse Luis Vernet, *inter alia*, of interfering in the pursuit of lawful commerce by American citizens; unlawful arrest and detention of American ships; the seizure and sale of private property without lawful process; forcing American citizens into slavery under a forcibly imposed contract and the abandonment of seamen on a desolate island. [1460]

1453 Here Baylies recounted Governor Rosas's message to the Legislature of May 7, 1832. See above.
1454 *Baylies to Livingston September 26, 1832* in Manning 1932 pp.161-165. See September 26, 1832, below.
1455 *Bankhead to Palmerston June 13, 1832 CO 78/1/172.* Also *FO 97/35/15A*
1456 Manning 1932 pp.98-99
1457 Pascoe 2022 vol.2 p.137
1458 Pascoe 2020 p.120
1459 Biscoe had lost sight of *Lively* en-route to New Island. See below.
1460 *Baylies to Livingston June 20, 1832* in *British and Foreign State Papers 1832 – 1833* pp.330-336. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.205-214. See links above.

Baylies also accuses the Buenos Aires Government of deliberately choosing a time when there was no senior US diplomat available in the city, and of singling out the United States for attack.

> *"... a project was in contemplation involving the destruction of one of the most important and valuable national interests of the United States – the whale fishery – for he (Vernet) declared to Captain Davison, that it was his determination to capture all American ships, as well as those engaged in catching seals, upon the arrival of an armed schooner, for which he had contracted ... another declaration of the governor, from which an inference is fairly to be deduced, that the citizens of the United States were to be selected as the special victims of his power, while the vessels and seamen of other nations were to be unmolested, inasmuch as when he was told that the crew of the Adeona, a British vessel, had taken many seals on the islands, and even some on the Volunteer Rocks, at the mouth of the sound on which his establishment was placed, his reply was, "that he could not take an English vessel with the same propriety that he could an American." ... the Undersigned is instructed and authorized to say, that they (the USA) utterly deny the existence of any right in this Republic to interrupt, molest, detain or capture, any Vessels belonging to Citizens of the United States of America, or any Persons being Citizens of those States, engaged in taking Seals, or Whales, or any species of fish or marine animals, in any of the waters, or on any of the shores or lands, of any, or either, of the Falkland Islands, Tierra del Fuego, Cape Horn, or any of the adjacent Islands in the Atlantic Ocean.*
>
> *In consequence of these repeated outrages on American property and American Citizens, it has become the solemn and imperative, but unpleasant duty of the Undersigned, as the Representative of the United States of America, to demand in their behalf, a restitution of all captured property belonging to Citizens of The United States, now in the possession of this Government, or in the possession of Don Luis Vernet."* [1461]

Concluding, Baylies demands; *"... a restitution of all captured property belonging to the citizens of the United States, now in possession of this Government, or in the possession of Don Louis Vernet ... and ample indemnity for all other property of American citizens which has been seized, sold or destroyed by said Vernet, or persons acting under his orders; and full and ample immunity are reparation for all consequential injuries and damages arising therefrom, & full indemnity to all American citizens for personal wrongs, whether from detention, imprisonment or personal indignities..."* [1462]

"With respect to the discrimination made by Vernet between English and American vessels, Mr. Baylies said "that it might happen that nations would sometimes mistake their rights and attempt to establish sovereign jurisdiction over territories not clearly their own, or to which their title might be disputed; and that other nations, whose rights might be affected by such assumptions, were not necessarily obliged, in the first instance, perhaps, to regard acts enforcing such jurisdiction as intrinsically and absolutely hostile, if their operation were equal and undiscriminating. But if the citizens or subjects of one nation only are subjected to penalties and punishments for violations of sovereign jurisdiction so assumed, while the subjects or citizens of other nations, committing the same violations, are unmolested, such partial selection is evidence of hostile feeling, at least, in the officer to whom the authority to punish is delegated; and the government which justifies an officer who thus favours and spares the one, and punishes the other, when both are in pari delictu, must be considered as avowing a preference injurious and hostile to the nation which suffers." ..." [1463]

1461 *Ibid.* See also Pascoe 2022 vol.2 pp.137-139.
1462 *Ibid.* Entirely in line with his instructions. See above.
1463 Reynolds 1835 pp.494-495

"... following his instructions from Washington, he stated that neither Louis Vernet nor Buenos Aires had any authority in the Falklands; he demanded compensation for the losses to American ships, and concluded by stating that the United States government "utterly deny the existence of any right in this Republic to interrupt, molest, detain or capture any vessels belonging to citizens of the United States of America... engaged in taking seals or whales", and he demanded the return of all US property." [1464]

Finally, Baylies requests that an *exequatur* be provided to George Slacum so that he can continue to act as Consul for the USA until; *"... the views of the Government of the United States respecting this question, can be ascertained."*

From London, in a letter dated the same day, Argentina's *charge d'affaires*, Manuel Moreno, writes to his government to inform them of the disquiet felt in Britain upon hearing news of the *Lexington's* raid. [1465]

June 25th, in Buenos Aires, Minister Maza responds to Baylies; saying that he has placed the *charge d'affaires'* letter before Governor Rosas who has required Luis Vernet to provide an explanation for his actions. [1466]

"This communication was answered by the minister of foreign affairs on the twenty-fifth of June, stating merely that explanations would be sought from Vernet, on which the governor would form his judgment and pronounce, "without pretending to impair the private rights of the citizens of the United States who might be aggrieved or injured, or to sacrifice either to exorbitant pretensions those of Don Louis Vernet, and much less those public rights which, by the common law of nations, belonged to the Argentine Republic as a sovereign and independent state." No answer was given to the intimation respecting the restoration of the consul." [1467]

"Dr. Maza ... had resolved to request extensive explanations from Vernet. ... With this, Dr. Maza established himself as a skilled diplomat and zealous defender of national sovereignty. ... On the same date, .., the Minister addressed Luis Vernet informing him that, by resolution of the Executive Power, he had to answer, one by one, the different accusations made by the representative of the United States." [1468]

"In bringing Vernet into the discussion, the government were introducing the private interests of a third party into the international dispute between the United States and Buenos Aires. Above all, they were still refusing to either avow or disavow Vernet's actions. In other words, they were playing for time and fudging the issue, which Baylies saw at once." [1469]

June 26th, unimpressed, Francis Baylies responds to Manuel Maza. [1470]

> *"His Excellency has been pleased to inform the undersigned that explanations would be asked of Don Luis Vernet:- the Undersigned will take the liberty to say, that as to the substantive matter of the complaint no further explanations are necessary, inasmuch as Don Luis Vernet has admitted, in the public newspapers of this city, under his own signature, that he has captured American Vessels, which admissions cannot be unknown to His Excellency: - neither can it be unknown to him, that the Schooner Harriet owned by citizens of the United States and captured by the said Vernet, is now detained in this Port, by virtue of a process issued by some tribunal within the jurisdiction of this Government. ...*

1464 Pascoe 2020 p.137
1465 Mentioned in *Maza a Moreno septiembre 22, 1832* in Fitte 1966 p.348
1466 *Maza to Baylies June 25, 1832* in *British and Foreign State Papers 1832 – 1833* p.336. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.214-215. In full in Pascoe 2022 vol.2 p.139. *cf.* May 10, 1832 below.
1467 Reynolds 1835 pp.495-496
1468 Caillet-Bois 1982 (6th ed.) p.271
1469 Pascoe 2022 vol.2 p.140
1470 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.215-217

> *His Excellency has been pleased to say that "the public rights which, by the common law of nations belong to the Argentine Republic as a sovereign and independent State, he will not pretend to sacrifice":- to this the Undersigned can only say, that the Government which he represents has neither the intention or the disposition to bring into question any of the rights of the Argentine Republic – but they wish to know distinctly from this Government whether it claims on its part, any right to detain or capture, or in any way to molest, interrupt, or impede the vessels or citizens of the United States while engaged in fishing in the waters, or on the shores of the Falkland Islands and the other places already mentioned…"* [1471]

"Baylies lost his temper and, obfuscated, therefore tried to direct the discussion to the terrain chosen by him. This is the only way to explain his June 26 note. Baylies said that the inquiries announced by Maza were not necessary, since Vernet himself confessed to having seized American vessels. That was enough. On the other hand, the US government denied not only Vernet's right to arrest and detain properties or persons engaged in fishing in the Archipelago, Tierra del Fuezo, ete. but also the right to authority in the Buenos Aires government to do so." [1472]

"(Baylies) wanted to address the basic issue of whether the Buenos Aires government had any rights of sovereignty in the Falklands and hence any right to uphold Vernet's interference with American ships. The US government denied those rights, and Baylies wanted to "know distinctly" what the Argentine government considered its rights to be." [1473]

June 28th, in Buenos Aires, in the Criminal Court, a Judge of First Instance, Manuel Insiarte, informs US *charge d'affaires* Baylies that he has ordered the arrest of an American priest, William Torrey, for authorising the marriage between Maria Quevedo, a Roman Catholic, and Samuel Fisher Lafone, a Protestant. [1474]

At the Falkland Islands, British sealer *Lively*, out of London, is wrecked. [1475] The crew are rescued by *Unicorn* (Couzins). [1476]

June 30th, from Buenos Aires, Francis Baylies informs Washington DC of the initial reaction; *"You will doubtless perceive the object.. which is to evade the main question, and to place me in the attitude of an accuser of Louis Vernet and so form an issue between him and the United States, and to shun the direct issue already formed between our country and Buenos Ayres."* [1477]

July 4th, British Minister Henry Fox introduces himself to Francis Baylies.

> *"… I consider it to be my duty, as His Brittanick Majesty's Representative in this Republick, and in order that no prejudice may be done to the Rights of my Sovereign, to acquaint you, officially, with His Brittanick Majesty's Rights of Sovereignty over the Falkland Islands; and with the steps which were taken at the proper time, by his Majesty's Government, to assert these rights and prevent them from being infringed upon."* [1478]

1471 *Baylies to M. V. de Maza Buenos Aires, June 26, 1832* in *Colección de documentos oficiales* doc.xx. See also Pascoe 2022 vol.2 p.140 citing Manning 1932 pp.107-108 (emphasis in Manning 1932).

1472 Caillet-Bois 1982 (6th ed.) p.271.

1473 Pascoe 2022 vol.2 p140

1474 Fitte 1966 p.222. It was forbidden for Protestants to marry Catholics in Buenos Aires. In this case, the couple fled to Montevideo. Lafone enters the story of the Falklands in the 1840s.

1475 *Morning Advertiser* Monday January 7, 1833. Also *The Naval Magazine* 1837 vol.2. *Lively*'s crew were rescued by *Unicorn* (Couzins).

1476 Pascoe 2022 vol.2 pp.147-148

1477 Manning 1932 p.108

1478 *PRO FO 78/1/184-186.* Also Manning 1932. Fox enclosed a copy of Parish's 1829 protest and its acknowledgement.

"I found that the American Charge d'Affairs and his Government were already fully aware of, and prepared to acknowledge the sovereign Rights of His Majesty;.." [1479]

July 6th, *La Gazeta Mercantil* reports on an article in an American newspaper, the *Courier & Enquirer of New York,* which argues that America has rights based on the archipelago's sovereignty being shared between Britain and Spain. The editorial in *La Gazeta Mercantil* is indignant, asserting that such is, *'unthinkable, insolent and absurd'.*

It goes on to claim that 17 American vessels were warned away from the Islands in 1793 and that Britain has no rights due to the 1790 Nootka Sound agreement. [1480]

July 10th, another editorial in *La Gazeta Mercantil* claims that the United States Government had recognised the independence of the United Provinces. Recognition accompanied by a map clearly showing the Falklands as part of Argentine territory. [1481]

On the same day, Foreign Minister Maza responds to the note from Baylies of June 26th.

> *"When the Undersigned, Minister of Grace and Justice, charged provisionally with the Department of Foreign Relations, acknowledged to the Charge d'Affires of the United States, the receipt of his Note dated the 20th ultimo, he expressed to him at the same time, that both with respect to the charges contained therein against Mr. Louis Vernet, and to the other points to which it referred, His Excellency the Governor would discharge his duty in as just and legal manner.*
>
> *... the Undersigned hopes that whatever may be the ideas which the Charge d'Affaires of The United States entertains, respecting the conduct of Mr. Louis Vernet at the Malvinas, and the extent of the rights of the Argentine Republic, he will be aware that His Excellency the Governor cannot conscientiously form his opinion as to the nature of the facts, from isolated assertions, however respectable the party by whom they are advanced and that he will much less judge it prudent to separate questions intimately connected,..."* [1482]

"It would seem that the government, although they had probably determined on their course, were puzzled as to the mode of proceeding, and the nature of the questions, not knowing exactly whether they should consider them as public or private questions. They were anxious for a delay, and probably supposed that they might mystify the negotiation by blending the questions, and evading a direct answer to his plain and direct inquiries." [1483]

From Rio de Janeiro, Rear-Admiral Baker writes to London regarding a rumour that an American warship is to be stationed at the Falkland Islands. [1484]

1479 *Fox to Palmerston October 15, 1832* in *CO 78/1/180*

1480 See 1790 (*Falklands Wars* vol.1) for a detailed examination of the Nootka Sound Accord which, on balance, would seem not to apply to the Falkland Islands at all. I can find no evidence of 17 American Ships being challenged by Spanish forces in 1793.

1481 Giudici 2011. No evidence presented to support the assertion. No map referenced. I am unable to confirm this, but, it appears that the Buenos Aires Foreign Ministry was leaking stories to the journals.

1482 *Maza to Baylies July 10, 1832* in *British and Foreign State Papers 1831 – 1832* pp.355-356. *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp. 244-245. Also in Fitte 1966 pp.227-228

1483 Reynolds 1835 p.496

1484 Caillet-Bois 1982 (6th ed.) p.318 fn.36 citing *Baker to Elliot July 10, 1832*

July 11th, in Buenos Aires, Francis Baylies acknowledges Minister Maza's letter of the day before; noting that none of his questions had been answered. [1485] Baylies encloses a paper he had been working on, with the date of July 10th, 1832; an exploration of the history of the Islands - together with some consideration of the legal position. [1486]

> *"... the Undersigned... will proceed to lay before His Excellency the views which his Government have taken of this question – and to present some facts, having relation to the question in issue, for the consideration of His Excellency, which he sincerely hopes may produce a happy termination of this unpleasant controversy. To simplify the investigation upon which the Undersigned proposes to enter, he will, in the commencement, take the liberty to state the question, in this manner.- The Argentine Republic claims sovereignty and jurisdiction over the Falkland Islands, Terra del Fuego, Cape Horn, and the islands adjacent in the Atlantic Ocean, by virtue of having succeeded to the sovereign rights of Spain over these Regions.*
>
> *As these sovereign rights, thus claimed, are altogether derivative from Spain, the first inquiry naturally divides itself into two branches:-*
>
> *1st – Had Spain any sovereign rights over the above-mentioned places?*
>
> *2nd – Did the Argentine Republic succeed to those rights?*
>
> *If it can be shown that Spain had no such rights, the question is terminated, unless the Argentine Republic should abandon all title under Spain, and claim an absolute vested sovereignty, original in itself.*
>
> *If it should be shown affirmatively that Spain had such rights, then it must be as clearly shown that the Argentine Republic succeeded to them; and if that can be shewn, then it must also be shewn that the Argentine Republic had authority to capture and detain American vessels and American citizens engaged in the Fisheries at those places, without notifying the American Government, or its Representative here, officially, of such assumptions and such claims. ... if it be hypothetically admitted that the full and entire right of sovereignty was possessed by Spain – has Spain renounced it? Has Spain ever, by any acknowledgment whatever, yielded the rights which she once possessed? Has Spain, as yet, relinquished by any formal Act or acknowledgment any part of her claim to supreme dominion over these islands? If the rights of Spain are dormant they are not extinct;...*
>
> *Is it not a truth that Paraguay, one of the Provinces of the ancient Vice Royalty, has even refused to be united to Buenos Ayres, and has always remained a separate and independent Government? The ancient Vice Royalty of the Rio de la Plata is now divided between several distinct Nations, having no dependency on each other - exercising all the powers of Sovereignty within their own limits, uncontrolled - and, with respect to the Argentine Republic, or the Province of Buenos Ayres, as entirely foreign and independent, as is the Republic of the United States of America. ... If, then, the sovereign rights of Spain to those Southern Islands, descended to the ancient Vice Royalty of the Rio de la Plata, by virtue of the Revolution - and if that Vice Royalty is now divided into several Sovereignties, independent of each other; to which one of these several Sovereignties shall these rights be assigned P Where are the title deeds of the Argentine Republic? Where are the releases, of the other Nations of the Vice Royalty, to that Republic? ...*

1485 *Baylies to Maza July 11, 1832* in *British and Foreign State Papers 1831 – 1832* p.356. *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.245-246

1486 *Baylies to Maza July 10 (delivered July 11), 1832* in *British and Foreign State Papers 1831 – 1832* pp. 338-346. *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.217-243

The Undersigned is well aware that the pending question involves important principles; and, although he may be satisfied as to the extent and character of the rights of The United States and the Argentine Republic, yet he freely admits that every Nation must decide, for herself, on all questions touching her dignity and her Sovereignty.

If the Argentine Republic can shew conclusively, that Spain was possessed of rights over the Falkland Islands, Tierra del Fuego, Cape Horn and the Islands adjacent in the Atlantic Ocean, of such a high and sovereign character as to justify the exclusion of the Citizens of the United States of America from the Fisheries there; if this Republic can shew that Spain has relinquished, renounced, or in any way lost her sovereign rights to the Regions above-mentioned, and that such Sovereignty has become absolutely vested in herself; and if she can further shew that, having acquired such rights, and being about to exercise them, by inflicting penalties and forfeitures upon the persons and property of the Citizens of a friendly Nation, for exercising privileges which they had been long accustomed to use - she is justified in withholding all official notice of the acquisition of such rights, and of her intention so to exercise them, from the Government or the resident Representative of such Nation - then, although the American Government might have some reason to complain of unceremonious and unfriendly treatment, there might, perhaps, have been no cause of complaint, on the ground of a violation of positive rights." [1487]

"On the eleventh of July he addressed a cool and dispassionate note to the minister of foreign affairs, accompanied by an argument which embraced, in extenso, all the topics in dispute.... He then proceeded to discuss the nature of the title which civilized nations acquired over countries not inhabited, or inhabit ed only by savages, by prior discovery, taking formal possession, and by prior occupation. This branch of the argument was extended to a considerable length,... He then carefully traced the progressive discovery of these islands. ... He contended, that if long and uninterrupted use could impart a right, the right of the United States was unimpeachable; and to prove that the right may be so acquired, he cited Vattel, book i., ch. xxiii., Ø 287, where it is laid down as a rule, that if a nation has once acknowledged the common right of other nations to use fisheries on its own coasts, it cannot afterward exclude them: the fishery was then left in its primitive freedom, at least, with respect to those who had been accustomed to take advantage of it; and so the English not having originally taken exclusive possession of the herring-fisheries on their coasts, it has become common to them with other nations." [1488]

"... the mistakes, errors and inaccuracies of the exposition made by the United States charge d'affairs Mr. Baylies, who was passionate in his desire to cover up the violent and offensive procedure of Captain Duncan in 1831, becoming in fact the officious advocate of British pretensions, under the interested influence of Sir W. Parish, then at Buenos Aires." [1489]

"In a long note to the Argentine Government... Mr. Baylies ... entered into an examination of the historical facts relating to the claims to sovereignty over the Falkland Islands based on prior discovery and acts of possession and occupation in an argument which called into question the Argentine, and tended rather to prove the

1487 In the main, the US *charge d'affaires* raised questions rather than attempting to answer them, although the implication was self evident – that Argentina's claims of sovereignty were by no means certain. See *British and Foreign State Papers 1831 – 1832* pp.338-355

1488 Reynolds 1835 pp.497-498 & p.504

1489 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones ... en 1887* Argentina (Ministry of Foreign Relations & Worship) 1887. Woodbine Parish had left Buenos Aries some months before Baylies arrived. The two never met.

British, title to the islands. … It is probable that the facts on which Mr. Baylies based his historical argument regarding the question of sovereignty were derived from information available at Buenos Aires and not from his own Government…" [1490]

Baylies attaches a copy of the British Protest of November, 1829. [1491]

"Mr. Baylies thought this protest must have been overlooked, when Don Tomas Manuel de Ancherona, the former minister of foreign affairs, had asserted, in his correspondence with the American consul, that, until then, nobody had questioned the rights of the Argentine Republic; for he had in his possession a copy of the official acknowledgment of its receipt, also communicated to him officially by the British envoy. We have always thought that it was a silly and unfounded censure cast upon our chargé, in the government newspapers of Buenos Ayres, for this exposé of the British title. He stated nothing, as we can perceive, but historical facts, of such notoriety that no British statesman could have been presumed to be ignorant of them. It seems his object was to persuade the government of Buenos Ayres, that their title to the Falklands was not so indubitable as they supposed, for the purpose of inducing them to relinquish the high ground which they had taken against his country, and therefore he gave them a view of the strength of the British title; and they, in their wisdom, instead of placing his argument with the British protest in the secret places of their archives, thought proper to publish it; and then, through the medium of their newspapers, charged their own imprudence upon him!" [1492]

July 12th, at Britain's Rio de Janeiro Station, Rear-Admiral Baker issues orders for French ships of war to be watched. In case they attempt to use the American-Argentine dispute as an excuse to re-establish themselves on the Falklands archipelago. [1493]

> *"We continue tranquil in Buenos Ayres, and in fact in all of the provinces of the Argentine Republic. The chief political topics which now occupy public attention here are the dispute with the Americans respecting the Falkland Islands, the late revolution at Monte Video and the refusal of this government to receive Monsieur La Foret, as Consul of France to this republic. The Government of Buenos Ayres insist upon their right to the Falkland Islands, and that satisfaction shall be given to them for the hostile proceeding of the United States sloop of war Lexington, at these islands. The American Charge d'Affaires here has taken rather high ground upon the subject, not at all pleasing to the authorities of Buenos Ayres."* [1494]

July 24th, from Buenos Aires, Baylies writes to Secretary Livingston outlining the actions he has taken.

> *"I have no hope of bringing the issues in dispute to a favorable outcome. There have been so many evasions, and there is such a disposition to defer and avoid direct answers to the main questions, which in my opinion the clearest exposition of national rights, and the strongest calls to their sense of justice, will be despised and neglected by this Government, and while they ratify all the atrocities of Vernet, they do not have the audacity to sustain it with direct support or with an open recognition. Their aim at the present is to delay the case,... If I am not given a definitive answer to my frank and direct request within a reasonable time, I will ask for my passports."* [1495]

1490 Orchard 1928 in *FO 371/12736/324. cf.* 1839 & 1928
1491 In full in *British and Foreign State Papers 1831 – 1832* pp.338-355.
1492 Reynolds 1835 p.503
1493 Gough 1992
1494 *London Evening Standard* Friday October 5, 1832 citing *"... a letter has been received at the North and South American Coffee House, from the agent at Buenos Ayres, dated the 17th July."*
1495 *Baylies to Livingston July 24, 1832* in Fitte 1966 p.244.

In a second letter marked '*Private & Confidential*' Baylies gives a range of views on the situation in the country.

> *"Rosas is now the Chief of this Republic of Buenos Ayres, and by a decree of the Legislature is invested with dictatorial powers. He has no knowledge either of international or even municipal law and no acquaintance even with common forms of public business. Reared amongst the cattle and the Gauchos it is his influence over the latter and the patronage of the Anchorenas which has elevated him to his high station."* [1496]

Previously authorised to negotiate a commercial treaty, Baylies states that he opposes the notion.

> *"... for we should abide by it, and they would consider the violation of a treaty no greater offence than a lie told by schoolboy. With the Bey of Tripoli or the Emperor of Morocco we might for a time maintain unviolated the provisions of a Treaty but with these people if a temporary advantage could be gained they would violate a treaty on the day of its ratification."* [1497]

Finally Baylies notes:

> "*It has been currently reported for a fortnight that the Sarandi, a small vessel of war mounting 6 or 8 Guns was fitting... This morning the report has assumed a new shape and it is now confidently said that she is to proceed to the Falklands for the purpose of resuming possession and capturing American vessels."*

"Baylies now knew that the Argentinians had no intention of reaching an amicable solution with the United States; they were intending to resume their activities in the islands and carry on capturing American ships, thus escalating the dispute. Argentina and the United States were on a collision course." [1498]

July 25th, from Buenos Aires, Baylies writes to his brother-in-law General Wool, Inspector-General of the US Army.

> *"Be assured that this office of mine has been no sinecure. I have but little expectation, and never had much, of bringing my negotiations to a favorable issue. There is such a total destruction of all sense of public justice – such childishness – and infirmity of purpose amongst these people that even the Brazilian minister told me this day that the people and Government were no better than Barbarians! However, the interests of the United States have not suffered in my hands as you will see,...*
>
> *It is consonant neither to the interests or the dignity of the United States to be trifled with, and these people entertain a notion that the character and temper of the people and the government of the US are so eminently pacific that they will submit to everything short of direct insults to preserve peace. They have already had one lesson and ere long they will have another. ...*
>
> *There is here neither law or liberty – no sense of national honour or national justice or national dignity – a kind of schoolboy government with all the mischief and non of the ingenuity of schoolboys.*
>
> *A Republic with a dictator – a nation with a population of 140,000 – pretending to own colonies at the distance of 1000 miles with one vessel of war mounting 6 Guns and four merchant schooners – a burlesque upon everything that is connected with national greatness or national dignity."* [1499]

1496 *Baylies to Livingston (Private & Confidential) July 24, 1832* Manning 1932 pp.132-133
1497 Caillet-Bois 1982 (6th ed.) p.252
1498 Pascoe 2022 vol.2 p.146
1499 *Baylies to Wool July 25, 1832* in Rezneck 1971

August 4th, in Britain, the Colonial Office are informed that the Admiralty intend to send a ship to the habour of Port Egmont in the north-west of the Falkland Islands [1500]

August 6th, in Buenos Aires, Francis Baylies writes again to the Foreign Ministry, demanding that he be informed of the position of Buenos Aires. [1501]

Baylies also writes to Washington DC to remind them that he has not received any instructions regarding ex-Consul George Slacum. He also mentions, almost in passing, that he is preparing to leave.

> *"... since it has been nearly a month since I have received any communication from this Government, I have thought it right to address them ... If it is not answered within a week, or if the answer is not satisfactory, I will ask for my passports, unless within that period different additional instructions arrive,.."* [1502]

In a footnote, the US *charge d'affaires* notes that there has been a public announcement that Governor Rosas is to step aside temporarily due to illness. His powers delegated to Ministers.

August 7th, in London, the Admiralty sends drafts of its orders to the British Foreign Office for approval; including one for Rear-Admiral Baker requiring that one of His Majesty's ships visit the Falkland Islands annually.

> "*... for the purpose of keeping and maintaining the Sovereign Rights of His Majesty over those Islands.*" [1503]

In the Falkland Islands, *Tula* (John Biscoe) returns to Port Louis.

August 8th, in Buenos Aires, perturbed by the attitude of the US *charge d'affaires*, the Foreign Minister writes directly to US Secretary Edward Livingston in Washington DC, regarding the withdrawal of Slacum's *exequatur*.[1504]

> *"... the Protest of Mr. Slacum was as extravagant as it was foreign to his Consular functions. ... he could no longer be a proper organ to promote the interests of his Country; he could no longer be admitted in his public character without wounding the dignity of the Argentine Republic, nor without acting in opposition to the opinion of its Citizens, and consequently diminishing that confidence which it is the duty of the Authorities to inspire. Acting upon this principle, on the 14th of February, it notified to Mr. Slacum the suspension of all Official Communication with him ..."* [1505]

> *"Upon what grounds did Mr Slacum question the rights of Buenos Aires? Does he not know that the Falkland Islands and coasts of Patagonia with the others adjacent to Cape Horn were comprehended within the territory laid out by the Kings and Queens of Spain as the former Vice Royalty of La Plata which the wishes and valour of its citizens have since erected into an Independent Republic?"* [1506]

1500 The primary area of British settlement from 1765 and the resort of whalers/sealers from 1774. See Vol.1

1501 *Baylies to Livingston August 6, 1832* in *British and Foreign State Papers 1831 – 1832* p.356. *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.246-248

1502 Quoted in Fitte 1966 p.257

1503 *Eliot to Sir George Shee Aug 7, 1832* in *PRO 6/499 f.168-169*

1504 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.249-257. Daniel Brent tersely acknowledged receipt on October 18, 1832, but did not otherwise respond. *cf.* Manning 1932

1505 Quoted in *British & Foreign State Papers 1831-183* pp.358-364. Different translation in Manning 1932 pp.142-143. See Fitte (1966 pp.258-263) for what is likely to be the Spanish original.

1506 Quoted in Pascoe 2022 vol.2 p.152 citing Manning 1832 pp.142-143. Inaccurate. The Viceroyalty, formed in 1776, did not include Patagonia or, by reference to its stated coordinates, the Falkland Islands. *cf.* Vol.1

"Maza... wrote on 8 August direct to Washington, explaining that the government had intended to send a minister to Washington to explain the breach of official contact with Consul Slacum, but ... the news of President Jackson's State of the Union Address of 6 December 1831, announcing that a minister was to be sent to Buenos Aires to enquire into what had happened in the Falklands, had induced the Buenos Aires government to await the arrival of the minister (ie Baylies himself). In doing so, the government had assumed that as soon as the minister had ascertained the facts he would accept the justice of the treatment of Slacum, instead of which he had demanded Slacum's reinstatement." [1507]

August 10th, as requested, Luis Vernet submits a report to the Foreign Ministry. [1508]

> *"Your Excellency has been pleased to furnish me with a Copy of a series of Charges which Mr. Baylies, Charge d'Affaires of The United States, in his Note of 20th of June, has brought forward on the opening of the Negotiations relative to the Malvina Islands; to the end, that, informing myself of its contents, I may reply in a manner at once clear, frank and diffuse. It is gratifying to me to find summed up all the Charges directed against me, and to have thus afforded me an opportunity to rebut them at one and the same time; removing, perhaps, by this means, the principal obstacles the Government may have to encounter in the progress of the Negotiations now commenced.*
>
> *In the execution of this agreeable and delicate task,.. I shall not allow myself to be carried away by resentments, however just, ... Long, indeed, is the list of accusations which the Charge d'Affaires brings against me. To proceed distinctly, I shall compress them to what is essentially necessary, and present them in a reduced but correct point of view."*

In the first part of his report, Vernet identifies nine '*charges*' taken from the original letter sent by Frances Baylies, and deals with each in turn in the first part of his report: 1) that *Harriet* was taken illegally and stripped of its provisions; 2) forcing the Captain of *Breakwater* to go to Rio de Janeiro; 3) that the captain and crew of *Superior* were forced into Vernet's private service against their will; 4) that the crew of *Harriet* were forced to go to Rio de Janeiro; 5) that seven men of *Superior's* crew were abandoned on the Isla de Estados; 6) that Vernet had '*seduced*' American seamen from allegiance to their country; 7) the imprisonment of four members of the crew of *Belville* and illegal seizure of their seal skins; 8) an intention to destroy the American whaling and sealing industry in the Falklands whilst ignoring that of the British; 9) that the USA was not notified of the 1829 decree.

> *"Had I confined myself, .., to capturing the Vessels and bringing them to trial, I would have acted within the limits of my duty. And what else have I done, Excellent Sir? The imprisonment of various Individuals and the sending the Superior to the southward, were, .., acts at once just, necessary, and even beneficial to the Americans themselves. But, if the Charge means to say by this, that I ought to have limited myself to the mere capture of the Vessels, and that I ought not, as Governor, to adopt any measures of police and security, even when I saw the Colony in evident danger; that neither ought I, as Director of a Colony, to enter into mercantile speculations, he doubtless forgets the primary rights and duties of a Government, as he also forgets that, in my character of Director, I could undertake commercial operations.*
>
> *The imprisonment, contracts, and other measures resorted to, subsequently to the capture of the Vessels, were necessary consequences of the bad conduct of Davison, likewise subsequent to the said capture. But, with respect to the Vessels, I did no more than what the Charge d'Affaires says I ought to*

1507 Pascoe 2022 vol.2 p.151

1508 See *British & Foreign State Papers 1831-1832* pp.369-436 where an English language version can be found (available online). For a transcription see https://falklandstimeline.files.wordpress.com/2012/02/1832-report-vernet.pdf A Spanish language version is available in *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.266-357.

have done. I did not confiscate them; I only captured and detained them, sending them for trial to Buenos Ayres, where an American Consul resided, who would take cognizance of the business; and, besides, I brought here Captain Davison, who, according to the Contract, was to answer, on the trial, for both Vessels. This is the way in which I acted. ...” [1509]

Vernet's report then moves to make more general observations on history and the '*law of nations.*' [1510]

“... having concluded my Report in the part which was enjoined me, may I be allowed, as a Citizen of the Republic, and as directly interested in the results of this important Controversy, to manifest my opinion and the foundation whereon it rests, with respect to the great question which is about to be submitted to the imposing Tribunal of the Civilized Nations? I speak of the question of the right of the Argentine Republic to the Malvina Islands and their Adjacencies, and to the Coasts of the Continent as far as Cape Horn, If the Government of The United States, or any other, deny the existence of that right, on your Excellency devolves the easy duty of demonstrating it to the World. Your Excellency will doubtless do so, and perhaps will find of some use the information which I proceed to communicate, moved principally by the strange denial which the Charge d'Affaires had made of the aforesaid right...

The English, French, and Dutch, either avowedly or under pretexts, endeavored at various times to establish themselves in, and make themselves Masters of, many Points, more or less important, belonging to the extensive possessions of Castile, especially in the Islands and Eastern Coasts of the Continent. The rich West India Islands presented an abridged representation of the conduct and system of acquiring pursued by Europe. He who seized on an Island was its owner, till he was in his turn ejected, in order to become again possessor; ... And in the uncertain legislation which this tumultuous series of reciprocal usurpations formed, can we perchance find the true rules of the modes by which Nations acquire Dominion? No: we must look for them in the immutable principles of the Law of Nations. This Law was infringed by those appropriations; but it had preceded them, and therefore condemned them. It existed at the time of their execution, and in despite of them; and it now exists — now that the Nations, without repenting of their former acts, wish at least, from respect to public opinion, to appear as regulating by it their present conduct. ...

3rd, That the means of acquiring, which Puffendorf calls originary (sic), that is, the discovery and the occupation, or actual and permanent possession, with intention to retain, — are not the only ones. A Nation can besides acquire over a Territory a Dominion which belonged to another, either by inheritance, by cession, by sale, by exchange, or by Treaty.

4th, That the strongest and clearest of these rights, is that which proceeds from the existence of another, as in the cases of cession, exchange, &c, in which the right of one Nation passes to another, whether this right may have originated in possession, or in any other manner.

5th, That this most valid title may, by being united to others, become still stronger, as in the case of a Nation making the first discovery of a Country, and taking actual possession of it; and another, which has pretensions to it, ceding the rights it may have, in favor of the former.

1509 *Ibid.* pp.390-391

1510 *Ibid.* pp.399-436. There is evidence that, at the least, part of this report was written by Dr. Valentin Alsina, an official in the Foreign Ministry. *“.. Vernet and Don Jorge Pacheco, interested, it seems, in the matter, came to me with a pile of notes to ask me to write the Report...”* Alsina quoted in *Diccionario de Anonymos y Seudonimo Hispanoamericas* Jose Toribo Medina1925 vol.1 p.142. See also *Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales* Alfredo Ortiz de Rozas 1948 in *Revista del Instituto Rosas* no.13 October, 1948. The style changes a little at this point and may mark the influence of Alsina. Where opinions as to historical events have been given, I have placed those comments within this work at the appropriate date. See Vol.1.

6th, That the Nation which, in any manner, acquires Dominion over a District, and abandons it with the intention to return, manifested by facts, such as leaving a part of its Establishment, letting the Settlements remain standing, or leaving other things of which it stood in need, and might have taken away, &c. &c v soil preserves that Dominion.

7th, That when a Nation acquires, by any of the aforesaid means, a Territory washed by the sea, it acquires, ipso facto, the Dominion over the Coasts, Ports, Islands, Gulfs, Fisheries, and all their Adjacencies. ...

Thus the dominion of Spain over the whole extent of the Coast is founded on its discovery, on the first and exclusive permanent occupation of it, and on continual and repeated acts of Sovereignty, exercised under the eye of all Nations, without any having called it in question; all, on the contrary, having acknowledged it. ...

From 1774 onward, Spain was the exclusive Mistress of all the Islands — no Nation disputed her rights — none dared to establish itself in the Archipelago — she legislated over it, and exercised without interruption, Acts of Sovereignty, which were respected by Foreign Countries. ... In conformity with these same principles, it is evident that Spain possessed the right to prohibit Foreigners from the enjoyment of the advantages afforded by these Islands, and of punishing, discretionally (sic), those who might infringe her regulations.

It is clear, then, that all these rights passed to the Nation which had succeeded to Spain in the Sovereignty over those Regions. It would be both useless and ridiculous to lose time in demonstrating that, from the moment the Argentine Republic became an Independent Nation, it acquired and legally appropriated to itself all those rights formerly possessed and exercised over its Territory by Spain. ... To which could it belong, if not to that to which they are indissolubly bound by nature? ...

It cannot, therefore, be denied that the Argentine Nation succeeded to Spain in the Dominion over the Malvina Islands, on separating herself from that Country in 1810. ...

In 1820, the Government of Buenos Ayres took formal and solemn possession of the Malvinas, in the person of the Colonel of its navy, Mr. Daniel Jewitt. ... Jewitt took possession, firing a salute of 21 guns, with the artillery which he landed..." [1511]

Vernet also refers to a suggestion that the United States had inherited rights in the Falklands from Britain.

"I will call to recollection that some Journals of The United Slates have affirmed that that supposed right was inherited. No such inheritance, however, does exist or has existed;

1st, because England, from which alone they could have derived it, is destitute of it, as has been shewn;

2nd, because when Spain conceded to England the Fishery at the distance of 10 leagues, she did not concede it to The United States, which already formed another Nation;

3rd, because even did the Malvinas belong to His Britannic Majesty, The United States, by the Treaty of October 20th 1818, engaged not to fish within 3 miles of the Coasts, Ports, &c, of His Britannic Majesty in America;

4th, because, although there had been nothing of this, it is inconceivable how this right should descend to The United States, and remain at the same time with England, who claims it, according to Mr. Parish's Protest;

1511 *Ibid.* This is the first known acknowledgment of Jewett's actions in 1821. *cf.* 1820, 1821 & 1829

5th, ***because it is a political absurdity to pretend that a colony which emancipates itself, inherits the other territories which the metropolis may possess.*** *If that singular doctrine were to be found in the code of nations, the Low Countries, for example, on their independence being acknowledged, in 1648, would have succeeded to Spain in her rights to America; and in the same manner, the United States would have appropriated to themselves the British possessions in the East-Indies.* ***Inheritance, indeed! the United States did not inherit the rights of England in Newfoundland, notwithstanding its contiguity; and are they to inherit those which she may have to the Malvinas, at the southern extremity of the continent, and in the opposite hemisphere****."* [1512]

"The writer..., in his haste to attack the United States of America for an assertion made by one of their journalists, to the effect that the United States inherited from Great Britain a claim to fish around the Falklands, must have overlooked the simple fact, that his arguments were even more applicable to Buenos Ayres than they were to the United States of North America." [1513]

August 13th, from Washington, *charge d'affairs* Bankhead writes to Lord Palmerston to confirm that he has raised the matter of the imprisonment of Matthew Brisbane, and been informed that the Commodore of the American Squadron at Rio de Janeiro was returning Brisbane to Buenos Aires. [1514]

August 14th, in Buenos Aires, Vernet's report is sent to Baylies, accompanied by a letter from the Minister.

"All irregularity, injustice, insult and violence have therefore been on the part of Messrs. Slacum and Duncan but the more especially on that of the latter, for having carried to the last extremity his grossness and ferocity, destroying with unspeakable inhumanity and perfidy the Colony of Malvina Islands. ... In the presence of such evident and scandalous aggressions, which do not admit of doubt or denial, it becomes the duty of the Government of this Province, acting for itself and as charged with the Foreign Affairs of the Republic, to demand, before all things, from the Government of the United States of America the most prompt and ample satisfaction for such outrages, and full redress and reparation to the Argentine Republic, to Commandant Vernet, and to the Colonists under his jurisdiction in the Malvina Islands, for all the damages and losses of whatever nature they may be, which they have suffered and are suffering in consequence of the aggressions committed by Captain Duncan ..." [1515]

"The Undersigned (Maza) has orders to make it known to M^r^ Charge d'Affaires of the United States of North America, that, until this Government obtains (prompt & complete satisfaction, reparation & indemnification), it will not enter into discussion on any of the other points..." [1516]

"After the interval of a month I received the insolent reply dated August 14th, accompanied with a memorial from Louis Vernet..." [1517]

"On the fourteenth of August the minister transmitted to Mr. Baylies a long memorial of Vernet, who was then for the first time styled "Political and Military Commandante of the Falk land Islands," accompanied with a

1512 *British & Foreign State Papers 1831-1832* p.432. My emphasis.
1513 FitzRoy 1839
1514 Fitte 1966 p.267 citing *FO 5/273*
1515 Maza quoted in *British and Foreign State Papers 1831-1832* p.364
1516 Maza quoted in Pascoe 2022 vol.2 p.154 citing Manning 1932 pp.149 & pp.150-152
1517 *Baylies to Livingston September 26, 1832* in Manning 1932 pp.161-165

communication of an extra ordinary character, in which the chargé was accused of attempting to change, by a violent effort, the ground of negotiation, for the purpose of keeping out of view "the daring and cruel outrage committed at the islands by Mr. Duncan;" and then followed a long train of abusive epithets, in which Duncan was berated in the most exaggerated and hyperbolical style. The minister declared that the perfidy, ferocity, black anger, and barbarity of the American commander, and the enormity of his outragé, attacking the settlement by surprise and with deception, like a highway robber or pirate, had excited universal astonishment, wounded intensely the honour and dignity of the two republics, outraging and insulting the Argentine nation, and tarnishing the credit and reputation of the United States. Vernet was likened to one who had been robbed, and had caught the robber with the booty in his hands. The minister, in an awkward attempt to identify Duncan with his country said, "such conduct would not have been practised by respectable nations, as England and France: it could only have taken place by an ignoble abuse on the part of the powerful against the weak, or among barbarous people, who know no law but the dictates of their passions, nor resort to other means of obtaining reparation of real or feigned wrongs than those of a blind and ferocious vengeance." To complete the catalogue of Duncan's offences "he had the audacity to address an official note to the minister in an uncivil and impolite manner." The consul was complained of "for occupying himself, in extemporaneous and unresonaable matters greatly above his authority — and of adopting a tone which did not comport with the respect and modesty with which the government of a sovereign state ought to be addressed. Disorder, therefore (says the minister), injustice, insult, and violence, have been on the side of Messrs. Slacum and Duncan, but especially on that of the latter, he having carried his turpitude and ferocity to the last extremity – destroying, with unspeakable inhumanity and perfidy, the Falkland Island colony. They have openly contemned, depressed, and outraged the dignity of the Argentine people – with a manifest stain upon their own nation and government." The minister then proceeded to demand, "before any thing else, prompt and complete satisfaction, reparation, and indemnification for these outrages, not only for the Argentine Republic, but Commandante Vernet and the colonists;" and until such satisfaction, reparation, and indemnification were obtained, he assured the charge that the government would not enter on the discussion of any of the points comprehended in his notes – "and, in the meantime, would exercise their rights in such manner as they might esteem convenient."..." [1518]

At Montevideo, Capt. Hamilton of *David*, sends a report to Admiral Baker in Rio de Janeiro. Warning him that the Americans are intending to station a schooner of war off the Falkland Islands. [1519]

August 18th, in Buenos Aires, Francis Baylies sends a short note to the Foreign Ministry. [1520]

> *"The Undersigned has the honour to acknowledge the receipt of the Note of His Excellency the Provisional Minister of Foreign Affairs, dated the 14th instant. A Communication addressed to his Excellency which accompanied the Note, appearing to be a Memorial of Lewis Vernet, is returned. Having no authority to stipulate that reparation shall be made to Lewis Vernet or to the Argentine Republic, for the acts of the Commander of the Lexington at the Falkland Islands; and being expressly directed by his own Government to justify those acts, - the Undersigned must yield to that alternative which His Excellency has made imperative; and, as his continuance here would be useless to his Country, he asks Passports for himself and his family. He relies on His Excellency for the necessary and usual facilities for embarking his personal effects and the Library and archive of the Legation."*

1518 Reynolds 1835 pp.506-507

1519 *PRO FO 6/499.* Rumours abounded. See below.

1520 *Baylies to Maza August 18, 1832* in *British and Foreign State Papers 1831-1832* pp.436-437. *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.357-358

"The Government having positively refused to treat or to discuss any question until reparation was made to Louis Vernet – his band of pirates and the Argentine Republic – no course was left for me but to demand my passports." [1521]

"(Baylies) considered the Buenos Aires Minister's declaration as closing the door against further negotiation, and consequently felt his presence in this country to be no longer useful or proper..." [1522]

"Mr. Baylies did (act) wisely in returning it, and declining, on behalf of the United States, the honour and the privilege of presenting them as a party versus Louis Vernet, before the Argentine government, acting as judges and umpires, especially as that government had called Vernet into their councils, and submitted the correspondence of the department of foreign affairs to his inspection." [1523]

"Mr. Baylies declined to accept the document drawn up by Lewis Vernet, and not being authorised to make reparation for the acts of the 'Lexington,' but being expressly directed by his Government to justify those acts, he asked for his passports." [1524]

Completely taken aback, Foreign Minister Maza asks Baylies to see him.

"I am afraid this vexed Falkland Island question is going to become serious. Mr. Baylies and the Government are at direct issue, and he has asked his passports. The Government has asked for a personal interview, .., and then we shall know whether we are to go to war or not." [1525]

"Mr Baylies had demanded his passport, but the Governor had requested a personal interview, ... It was said that matters had proceeded so far that Admiral Brown had applied to Government for two schooners, to attack the United States' sloop of war Lexington, lying in the river." [1526]

August 19th, Francis Baylies prepares copies of Minister de Maza's correspondence for Washington DC.

> *"You will notice that the negotiation is closed. As soon as the "Warren" returns from Montevideo, I embark and return to the United States as quickly as possible. I can only say that nothing has been left to be done for me to maintain friendly relations between Buenos Ayres and the United States, apart from personal and national humiliation."* [1527]

On the same day, Balylies writes a further letter, marked '*private & confidential*', for Secretary Livingston.

> *"The communication to the Minister of Foreign Relations was placed in his hands yesterday, at one p.m. The gentleman who took it saw strong marks of surprise on the Minister's countenance when he received it. He probably assumed that Vernet's voluminous memorial would take several weeks, but since I had no intention of making the United States one of the parties against Luis Vernet before an Argentine court, I returned the memorial along with the note.*
>
> *Although my determination was formed as soon as the minister's note was translated, I still consider that a period of four days was correct to show the Argentine Government that I did not ask for my passports under any impulse of rage. I cannot predict what direction the Gobierno will take now,*

1521 *Baylies to Livingston September 26, 1832* in Manning 1932 pp.161-165
1522 *Fox to Palmerston October 15, 1832 CO/78/1/177*
1523 Reynolds 1835 p.509
1524 Orchard 1928 in *FO 371/12736/324*
1525 *New York Evening Post* October 22, 1832
1526 *The Sydney Herald* April 4, 1833
1527 Fitte 1966 p.266. Vernet's report was not enclosed; having been returned unopened.

because they have all the vices of men and the follies of children, without any of the virtues and feelings of any of them;... Perhaps now they want war, if we go by the rumors of the city...'' [1528]

"Referring confidentially to Livingstone, Baylies considered it difficult to predict the path that the Buenos Aires government would follow, since it, in his opinion, "(it) has all the defects of men, the follies of boys without their virtues or sense". But, nevertheless, he pointed out that what was probably sought was war, the only way to prevent the "murmurs and deadly animosity of the party that prevailed in the Banda Oriental from weakening them to a high degree." War, therefore, could be the remedy,..." [1529]

August 20th, from Port Louis, *Tula* (John Biscoe) sails for England.

August 27th, at Buenos Aires, Francis Baylies and Minister Maza meet. [1530]

"The Conference was opened in the Government House, by the Minister charged with the Foreign Relations stating to the Charge d' Affaires of North America, that the Government had been much surprised by the return of the Copy of the Report which accompanied its Note of the 14th August, and by His Honor stating that he was not authorised for what was therein asked, and therefore demanding his Passport; that the Government, considering this act as the result of some misunderstanding, had desired its Minister of Foreign Relations to invite His Honor to this Conference, for the purpose of obtaining the necessary explanations relative to the return of the said Report, to which the Government could not agree. The Charge d' Affaires replied, that he should have much pleasure in corresponding, in his diplomatic character, with His Excellency the Minister of Foreign Relations, but that he could receive no Communication from Mr. Lewis Vernet. The Minister then explained to the Charge d' Affaires of the Republic of The United States, that Mr. Lewis Vernet had not sent any Communication to His Honor, — that the Copy which had been joined to the Note was a Document in answer to the series of Charges which formed nearly the whole subject of the first Note with which the Charge d' Affaires opened the Negotiation... The Charge d'Affaires was not satisfied with this convincing answer, and replied, that as Charge d'Affaires of his Government, he had not come here to act as a party in a litigated affair, or as accuser of Mr. Lewis Vernet before the Government of Buenos Ayres. ... His Honor the Charge d'Affaires still insisted on his former declaration, adding that, as the Government of the Argentine Republic, by means of the said Official Note of the 14th August, asked for indemnification for the losses sustained in the destruction of the Establishment at the Malvinas, by the Commander of The United States Ship of War, Lexington, and reparation for the insult thereby offered to the Argentine Republic, without which it would not enter into the discussion of the other points; and as he had not received any Instructions on this head, he considered his continuance near this Government as unnecessary, and was therefore under the necessity of asking for his Passports. ..." [1531]

Maza tries to convince Baylies that he should send for further instructions, before making any decision about leaving. Baylies refuses to listen and repeats his request for his passports.

"(de Maza) ... suggested to him that, since the Washington Government was unaware of a number of facts, he should await further instructions, and in the event that this door was also closed, there was still the remedy of sending a Minister to Washington or submitting the decision to an arbitrator." [1532]

Claiming to feel ill, Minister de Maza ends the meeting.

1528 *Ibid.* pp.321-323. Also Manning 1932 pp.153-155
1529 Caillet-Bois 1982 (6th ed.) p.278
1530 Baylies was accompanied by an interpreter, J.B. Mendelhall, and a witness, Francis B. Stockton.
1531 *British and Foreign State Papers 1831-1832* pp.437-440. *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.358-362
1532 Caillet-Bois 1982 (6th ed.) p.279

Outside, in the city of Buenos Aires, rumour of a voyage by the province's ship-of-war, *Sarandi*, circulate.

> *"By accounts from Buenos Ayres, it seems that the matter in dispute between that Government and the United States was likely to lead to a hostile result. It appears that a Buenos Ayrean schooner of war was about to proceed to the Falkland Islands, notwithstanding the matter was still at issue with the American Government, and that these islands were to be resettled. The United States schooner Enterprize was preparing to proceed from Monte Video to prevent this, and there seemed every chance of a collision between the two parties."* [1533]

Luis Vernet, erroneously believing that his plan for the re-population of the archipelago is going ahead, speaks to de Maza. The conversation is less than cordial, so Vernet asks for an interview with Minister Anchorena, who also receives him coldly. Undeterred, Vernet requests that *Sarandi* transports members of his staff, with supplies for those remaining at Port Louis. Anchorena demands that Vernet put forward 10,000 pesos, to defray the costs of this service. Asked whether he is willing to return to Port Louis, Vernet declines. [1534]

"... your memorialist was requested by the Government of Buenos Ayres to return again to the Islands, to re-establish the Buenos Ayrean Flag, which your Memorialist declined to do; having been informed that Sir Woodbine Parish had then claimed these Islands for the British Government..." [1535]

"When the Americans destroyed my Colony I was at the time accidentally in Buenos Ayres – Its Government then desired me to return to the Islands to re-establish its Flag, which I declined, with the view of keeping my private rights of property unconnected with the international question of sovereignty, ..." [1536]

"Vernet was not reinstated as Governor nor did he return to the islands. At the time he may have made some incorrect statements (the) product of his bitterness ..." [1537]

"The reasons for Anchorena's ill will towards Vernet remain obscure but it is likely that his permanence as Political and Military Commander of Malvinas was viewed as compromising Rosa's wish to keep good relations with Great Britain and the United States." [1538]

August 29th, Luis Vernet, puts his requests into writing.

> *"1° May the Government allow me to send my agent and four dependents in the Sarandi, two of these (are) families. 2° Lend me the 10,000 pesos as indicated for the objects and under suitable securities.*[1539] *3° That the Commander shall exercise his functions in law, and that my agent has the charge of looking after my property and trade. 4° My agent will take care of providing the Commander and his people with the necessary meat, so that he will give this one a receipt to that one. 5° That it be*

1533 *Liverpool Mercury* Friday November 23, 1832

1534 Vernet prevaricated in his later correspondence and it is difficult to identify the exact date on which he declined to return to Soledad Island. This event had to have occurred before his note of August 29, 1832, and Vernet was not a man to let time slip by; therefore August 27th or 28th seem most likely. Vernet would later imply that he had also resigned his office, although there are doubts about this as, once again, Vernet failed to give a specific date. According to Caillet-Bois (6th ed. 1982 p.348 fn.12) Vernet actually resigned on March 15, 1833; that resignation being accepted on April 2, 1833 (a date that Vernet did acknowledge in his 1852 submission for compensation). Officially, the reason given for his non-return in 1832 was "*illness*." *cf.* 1833

1535 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43.* Parish's "*claim*" had been made in November, 1829.

1536 *Vernet to the Earl of Derby, April 26, 1858* in *CO 78/43*

1537 Destefani 1982. Vernet had not been appointed 'Governor'.

1538 Peña & Peña 2018

1539 Vernet was yet again heavily in debt so he sought to offset the cost of transporting his representatives and goods against the use of his houses by the troops.

expressly prohibited by the Government to kill cows in the Malvinas under any pretext, the prohibition of which may be extended even to the owner of cattle. 6° I will leave the Commander and his family my private house. 7° In the meantime do not get timber from the coast so that each settler makes his own house, (instead) distribute the villagers and troops in the various houses, which are vacant, and not (those of) my people. 8° I will give free four cows to the settler who has a family, and two bulls for oxen, which he can not kill. 9° I will give every villager free with family... as much land as (they) can cultivate, and free grazing, as long as it does not harm another." [1540]

August 30th, in London, instructions from Lord Palmerston, countersigned by King William IV, are despatched to the Lords Commissioners of the Admiralty.

"My Lords, Withe reference to the correspondence that has taken place at various times upon the subject of His Majesty's rights of sovereignty over the Falkland Islands, I am to signify to your Lordships the King's pleasure that one of His Majesty's ships be ordered to proceed to Port Egmont in those Islands, for the purpose of exercising the right of sovereignty there and of acting at the said Islands, as in a possession belonging to the crown of Great Britain.- I am further, to desire that Your Lordships whill take whatever measures may be necessary, for causing the Falkland Islands to be visited annually by one of His Majesty's ships on the South American Station, with the view of keeping up and maintaining the sovereign rights of His Majesty over those Islands." [1541]

"Note that the instruction indicates the only point of occupation as Port Egmont, and does not mention the rest of the archipelago at all, ..." [1542]

"... the sheer distance meant that the decision to reassert British sovereignty in the Falklands took almost three months to reach Rio." [1543]

August 31st, from the Admiralty in London, orders are issued for Rear-Admiral Baker at Rio de Janeiro. [1544]

"... you are hereby required and directed accordingly to dispatch one of the ships of your Squadron forthwith to Port Egmont, with instructions to the Commander for carrying into effect His Majesty's intentions as above mentioned. And you are further to cause the Falkland Islands to be visited annually by one of the ships on the South American Station for the purpose of keeping up and maintaining the Sovereign Rights of His Majesty over the islands." [1545]

September 1st, Henry Fox's letter of May 31st arrives in London, outlining his reasons for delaying the demands that Palmerston had ordered be made in March, 1832.

September 3rd, in Buenos Aires, Francis Baylies receives his passports, together with a note.

"The Government, surprised no less by His Honor the Charge d'Affaires having on the 18th ult. returned the Copy of the Report of Don Lewis Vernet, than by the statement that he has been sent here to justify the acts of Captain Silas Duncan at the Malvinas, and that, not having therefore any

---

1540 *AGN, Division Nacional, Seccion Gobierno, asunto Malvinas, Reclamacion Vernet, 1829-1832 y.37* in Caillet-Bois (6th ed.) 1982 p.286 fn.5. Vernet seems to have thought that more settlers were being sent rather than a just a military garrison. Unless he saw the military garrison as settlers, the view adopted by Kohen & Rodriguez (2016).

1541 *PRO FO 6/499 fols 170-171* and *CO 78/1.* Also Bernhardt 1911 and Field 1928.

1542 Fitte 1966 p.337

1543 Pascoe 2020 p.137

1544 Confirmed in *Elliot to Shee August 31, 1832* in *PRO FO 6/499 fol.172*

1545 *PRO ADM 2/1591.* These orders were not received by Baker until November 20, 1832.

authority to stipulate reparation for them, his continuance here would be useless to his Country, ... the Undersigned informed his Government thereof; and has received orders to state to the Charge d' Affaires, that, it being impossible under such circumstances to proceed in a secure manner towards the happy termination of this affair, His Excellency the Governor conceives it expedient to suspend all further Negotiation; and, in consequence, the Undersigned herewith remits the Passport which the Charge d'Affaires has asked, regretting not having been able to gratify such a distinguished Guest of a Sister Republic; but cherishing the sanguine hope that the Government of Washington, convinced of the insult and outrage committed on the dignity and honor of an independent and friendly Nation, will feel the duty imposed upon it by justice and its own dignity, of speedily granting redress and indemnification for the grievances and injuries occasioned by one of its Naval Officers. On making this Communication, the Undersigned has the honor to inform the Charge d'Affaires, that the directions which he requests, for embarking his personal effects, have been issued,..." [1546]

"With respect to myself personally the Government had neither the liberality or magnanimity to separate my private from my public character, and having offended them in my official capacity by refusing to lay at their feet the humiliating apologies which they chose to require from the United States, they adopted a system of petty insults and vexations indicating a spirit alike mean and malignant." [1547]

September 4th, from London, Lord Palmerston writes to *charge d'affaires* Fox, with instructions and enclosing a copy of the Admiralty order for a ship to be sent to Port Egmont. [1548]

September 5th, from Buenos Aires, Francis Baylies writes to the Department of State in Washington DC.

"I think that this Government is sometimes under the impression that the policy of the United States will be changed when the new Congress is inaugurated, and that .., their rage will be placated with a sacrifice and the payment of a round figure as compensation to the pirate Vernet. I have not received communication from the Department of State since April 3, and I am not aware of the Government's views regarding Mr. Slacum's suspension,.." [1549]

Baylies also speaks to Britain's Henry Fox.

"*... I had a long conversation with Mr. Fox, the British Minister and informed him distinctly that nothing was claimed by the United States in the Magellanick region, but the right of free fishery, and that right would always be claimed as well against Great Britain as Buenos Ayres,- and I took the liberty of asking him whether Great Britain, after giving notice to the United States of her rights to the sovereignty of the Falkland Islands, and formally asserting her claim to them as part of His Brittanick Majesty's dominions, could, under such circumstances, justify herself for permitting a horde of pirates to harbour there ... He assured me that he was preparing and should present a remonstrance in strong terms against the second occupation of these Islands by these intruders, which doubtless has been, or will be done."* [1550]

"About the same time (Baylies) had a long conversation with Mr. Fox, the English Minister, to whom he informed bluntly that the United States only claimed in the Southern region the right of free fishing, a right

1546 *British and Foreign State Papers 1831-1832* p.440. Different translation in Manning 1932 p.158. Also *Revista de la Biblioteca Nacional* Tomo III no.10 1939 pp.362-363

1547 *Baylies to Livingston September 26, 1832* in Manning 1932 pp.161-165

1548 Fitte 1966 p.340 citing *FO 118/29.* Apparently the letter was misdirected to Rio de Janeiro rather than Buenos Aires, leaving the Consulate there unaware of how to handle events in January, 1833. See Pascoe 2022 vol.2 p.167

1549 *Ibid*. p.342. It is somewhat surprising that Baylies had received no correspondence from Washington in 6 months.

1550 *Baylies to Livingston September 26, 1832* in Manning 1932 pp.161-165. In full in Pascoe 2022 vol.2 pp.175-177

that would always be claimed whether to Buenos Aires or to England. In passing, he asked the British diplomat if England, after asserting its rights to the islands, could allow "a horde of pirates to settle there"…" [1551]

"As Baylies prepared to leave Buenos Aires, he met once more with British Minister Fox. In the course of this meeting, Baylies expressed his personal preference for a British takeover of the Falkland/Malvinas Islands and intimated a quid pro quo to Fox. Baylies implied that the United States would recognise British sovereignty over the Islands if Great Britain would permit U.S. fishing, sealing, and whaling vessels to operate in the region. Furthermore, Baylies even seemed to goad Fox into having the British seize the Islands and remove the Argentine settlers so that the United States would not have to take action a second time." [1552]

On the same day, Minister de Maza requests advice from a British diplomat in the city.

"… the Buenos Aires government, which was not unaware of the weakness of its possession vis-a-vis a powerful State such as the Republic of the north, was probing the thinking of a diplomat like Mandeville, two days after giving Baylies the passports. In response to an invitation made by Maza on a visit to him, Mandeville went to the offices of the Ministry of Foreign Affairs and, on that occasion, Maza "bitterly complained about the Plenipotentiary who had come from the United States and who was, he said, influenced by the former Consul Mr. Slacum", suggesting, at the same time, that it was very likely that the intervention of a great power such as France or England would be sought." [1553]

September 6th, with the USS *Warren* now at anchor off Buenos Aires, Baylies appoints a new Private Secretary to the Legation of North America – George Washington Slacum – providing him diplomatic status.

> *"The undersigned, Chargé d'Affaires of the United States of America, to this Government (of Buenos Aires), has the honor to inform His Excellency the Minister of Grace and Justice, provisionally in charge of the Department of Foreign Affairs, (that he) has appointed and commissioned D(on) Jorge W. Slacum as private secretary of the American legation, and who (now) consequently forms part of his diplomatic entourage. The undersigned reiterates to His Excellency the assurance of his high respect and consideration"* [1554]

"Sr. Baylis will be all that his friends want, but certainly during his residency in this, he has not shown to possess all those qualities that are indispensable in a political agent of his category. He has done everything but observe the circumspect conduct of a skillful negotiator, …" [1555]

"On the 6th, the lawyer from Massachusetts launched his departing arrow, because he informed the government that he had decided that Slacum would occupy the position of private secretary of the American legation. … Not even in the last of his acts as the representative of a strong nation did Baylies show himself at the level of a real diplomat. On the contrary, he showed at all times an absolute lack of tact that very often turned into real rudeness." [1556]

1551 Caillet-Bois 1982 (6th ed.) p.280

1552 *The Falkland/Malvinas Islands Clash of 1831-32: US and British Diplomacy in the South Atlantic* Christain J. Maisch 2000 in *Diplomatic History* vol.24 no.2 2000 pp.185-209

1553 Caillet-Bois 1982 (6th ed.) p.282 citing *Mandeville to the Count Sebastiani de la Porta September 27, 1832*. Mandeville? John Henry Mandeville would become Britain's Minister Plenipotentiary at Buenos Aires in 1835, but in 1832 he was in Constantinople. I can find no references to any other British diplomats of the same name. Not the first time that Caillet-Bois misread a surname (see 1813), although in fairness longhand can be difficult. Particularly if faded by a century or so. So, if not John Henry Mandeville, who?

1554 *Revista de la Biblioteca Nacional* Tomo III no.10 1939 p.364

1555 *Gacieta Comercial* Saturday, September 22, 1832 no.2582 p.2. col.4.

1556 Caillet-Bois 1982 (6th ed.)

"George Slacum was being sought by the Buenos Aires authorities, ostensibly for participation in a duel (which had never taken place, and he had not been the challenger anyway), but in reality because of his stalwart defence of US interests against Buenos Aires. He had taken refuge in Baylies' official residence, and might be arrested if he tried to leave, so Baylies informed Maza that he had appointed Slacum a member of his staff,..."[1557]

September 7th, Minister Maza responds to Slacum's appointment.

> *"The Undersigned ... has not been able to dissemble the astonishment which such an election has produced in him. The Charge d'Affaires cannot but be aware that Mr. Slacum, pursued by the Magistrates of the Country for a crime which the Laws of the Republic punish even with the last penalty, succeeded in eluding the search of the Police, by seeking asylum in his Honor's House..."* [1558]

"A quick and sharp reply informed him that Slacum could not be recognized as having any diplomatic investiture when he was persecuted by the country's magistrates, and that, therefore, he was regarded only as a violator of the laws of the Republic." [1559]

September 10th, a new decree is promulgated by the Provincial Government of Buenos Aires. [1560]

> *"The Political and Military Commandant of the Falkland Islands and their adjacencies in the Atlantic Ocean, Don Luis Vernet, being now in this Capital, and not being able yet to return, the Government of Buenos Ayres has resolved and decrees:*
>
> *Article 1. In the interim, Brevet Sergeant Major, José Francisco Mestivier, of the Artillery, is appointed Civil and Military Commandant of the Falkland Islands and adjacencies in the Atlantic Ocean.* [1561]
>
> *Article 2. Let it be communicated through the Department of War and Marine, charged with carrying into effect and publishing this Decree; and by the same Department let the instructions agreed upon be given to Sergeant Major Jose Francisco Mestivier."*

"The Decree ... was issued hastily at the moment before the departure of Mr. Baylies, and was in fact, nothing more than a silly show of defiance to the Americans. The new Governor ad interim, was dispatched to his post with a number of male and female convicts, taken out of the prisons, who are to make the pretended appearance of a Colony. There is little doubt, however, that they will shortly escape back to the Continent." [1562]

"After the rupture of the negotiations, one Mestivier, a French man, was appointed civil and military commandant of the Falkland Islands and their dependances in the Atlantic Ocean; ... The whole naval force of this maritime republic, which claimed to hold so many remote islands as colonies, being the Sarandi, a schooner of six or eight guns, was put in requisition to convey the governor, his suite, garrison, and colony, to the islands." [1563]

1557 Pascoe 2022 vol.2 p.167. Seemingly, George Slacum's '*offence*' had been to make an insulting remark to a Dr. Bond, who had promptly challenged him to a duel. No duel, however, had taken place. If that sounds like a set-up, it probably was. Governor Rosas was not above a little murder, as Foreign Minister Maza would eventually discover to his cost in 1839.

1558 *Maza to Baylies September 7, 1832* in *British & Foreign State Papers 1832-1833* p.441

1559 Caillet-Bois 1982 (6th ed.).

1560 *Gazeta Mercantil* September 17, 1832. Signed by Juan Ramón Balcarce under the name '*Rosas*'. Minister Maza appears to have been elevated to Chief Minister following the retirement of Rosas due to illness; holding the offices of both Justice and Foreign Affairs. General Rosas knew when to be missing.

1561 *Sargento-Major* translates as Brevet Major, a commissioned rank, unlike, for example, a British Sergeant-Major. As for his name, the new Commandant, of French origins, signed as *Estevan Jose Fco Mestivier.*

1562 *Fox to Palmerston October 15, 1832 FO 78/1/177-184*

1563 Reynolds 1835 p.513

"On a practical level, the Argentine government arranged for an interim civilian and military Commander to be appointed, who happened to be a member of the Army, and sent a war ship." [1564]

"Mestivier's appointment was the only lawful and correctly gazetted appointment of an Argentine commandant of the Falklands. ... Mestivier was to be assisted by an adjutant, Captain Jose Anotio Gomila, and was to command a garrison of 28 men (including himself)... 13 women and 8 children..." [1565]

In the United States. on the same day, Luis Vernet's old friend, Lewis Krumbhaar, writes to ship-owner Silas Burrows, with regard to the *Superior,* and its cargo of oil and seal skins. Krumbhaar informs Burrows of the contract between Congar, Davison and Vernet and demands that the ship and cargo be returned to Buenos Aires in accordance with the prize court's determination that Vernet had acted legally. [1566]

September 13th, *Sarandi* is loaded with stores by Luis Vernet for his settlers, including alcohol and clothing.[1567]

September 14th, from Stonington, Silas Burrows replies to Krumbhaar.

> *"I am surprised that any Gentleman in the US could suggest to a Merchant that his property had been taken from him by a Capture where it was not followed by any legal Condemnation. The flag, the papers, the Captain, the officers, the men of my Vessel have never been charged, they went to Sea and return'd to this port as I shipped them, and if you have any claims to make or if Mr Vernet has any I refer you to the U.S. Government who annihilated the Settlement in the Faulkland islands (sic).*
>
> *But Sir, Captain Congar executed even his contract to the letter. He return'd as he agreed to the Faulkland islands where he found that Govr Vernet and his Companions had flown, and was he then to go an exploring voyage in search of them? or was he not very properly to return to his owner in the US. If Mr Vernet has any claims it is fortunately on my Government who dispersed his Settlement and thus prevented the Superior on her return from falling into his hands."* [1568]

"There was no answer to that; it demonstrated that the contract had no legal basis, and the lack of "legal Condemnation" (court adjudication) made it piracy." [1569]

In Buenos Aires, orders are issued to Brevet Major Mestivier.

> *"Instructions to be observed by the Military and Political Commander of the Falkland Islands and are included in the following articles:*
>
> *1° After landing on the Island of Soledad, the head of establishment will bring together the individuals that exist there and are those who retired inside during the invasion of the Lexington, and will show them the appreciation with which the Government of the Province has looked at this loyalty by ignoring the [affronts] of that Commander (not) to remain in the establishment, and if the reports that the Military Commander acquires it turns out that such individuals have kept a regular conduct, he may give each clothing or some other equivalent gift.*
>
> *2° Care will be taken to ensure that there is the best harmony between these former settlers and those who go again so that they instruct them in the practical way of acquiring firewood, hunting, fishing,*

1564 Kohen & Rodríguez 2017 p.132. Mestivier also '*happened*' to command an armed garrison of troops.
1565 Pascoe 2022 vol.2 pp.170-171
1566 *AGN VII 132 doc.146*
1567 *AGN VII 130 doc.52*
1568 *Burrows to Krumbhaar September 14, 1832* in *AGN VII, 132, doc.146. cf.* 1837
1569 Pascoe 2020 p.136

refurbishing and building rooms, and comfortably providing the needs of life, observing for all this the same economic order, and (use) the same police that Vernet kept.

3° He will occupy Commander Vernet's own house for his room and office of the Commander, carrying some glass and putty to repair the stained glass windows that were destroyed by the Lexington Troop, and with the Vernet representative's consultation he will distribute the family troop and other inhabitants in the other houses that exist in the best possible way, reserving for said Representative and his dependents the precise dwellings.

4° The Malvinas Military Commander may allocate two of the high parts of his house to deposit the provisions and effects that he has saved as much as possible, especially the first by means of fishing and hunting that are abundant, in whose exercise the former settlers are very practical, as well as in the collection of eggs and conservation by means of a putty of water and lime, but for hunting the inhabitants must be given the powder and necessary ammunition.

5° Having a large amount of bovine cattle inside the Island, the Commander, in agreement with the Vernet representative, must make every effort to reduce to Rodeo as many heads as possible for them to provide the necessary meat, but clarifies they must not kill cows, and only steers, encouraging the hunt of wild pigs and rabbits of which the Island abounds.

6° Free of charge to each settler four dairy cows with their offspring, and two bulls that tamed can serve the tillage of land with (an) absolute prohibition of being killing or mistreating under any pretext these animals whose destiny is to feed the owners with their milk and Plow the farmland.

7° It shall make every effort to ensure that the inhabitants dedicate themselves to the planting of potatoes, beans, onions, and other vegetables that are good in that climate by distributing land in regular portions for both orchards and farms, and giving them the necessary tool for tillage and mud, such as plows, shovels and hoes, whose value must be charged with the products of their work.

8° Will collect several boats and whalers that were hidden at the time of the invasion of the Americans, and that are the property of Mr. Vernet whose dependents will vindicate the places where they exist, and making them refurbish(ed) with the effects of pitch, bast and other necessary that they should carry the sufficient provision will be made of such vessels for the service of the establishment in the conduction of straw, peat and other that occurs and must be transported from the immediate Islands.

9° The Acting Commander will form a Statistical Report covering the population, number of families, and their occupation, will also include the class of commerce, the topography of the Island, and that of Puerto Egmont, and the large Island with all topographic data, its products and grains, quality of pastures, the regime that is kept by the population; and finally all that he can illustrate to the Government for its subsequent dispositions. If this report were easier for the Commander to write in French, he may do so, by sending a copy for the S. Government and one for the Foreign Relations Officer for the Minister of War.

10° It is entrusted with special recommendation to the Commander to make every effort possible to maintain moral and decent customs, both in the Troop and among other settlers taking care to promote the Catholic religion through pious practices such as praying the rosary of the Blessed Virgin every night, and on Sundays and holidays send a pious book and instruct the people in the dogmas and precepts of our religion." [1570]

1570 *AGN X-293*

Governor Rosas adds his own instructions. [1571]

> *"9. In the unexpected case of being attacked, the person in charge will make the resistance expected of (his) honor and knowledge, to leave the honor of the Republic in place, and that which corresponds to the force that is at its command, to the elements that are in the Establishment to reinforce it, and especially to the position and circumstances in which it is found.*
>
> *10. After having fulfilled all his duties in the honorable resistance that he opposes to the invaders, if because their force is much superior in number and because he is convinced that he cannot bring it to a satisfactory result, nor even continue it any longer Without exposing himself to losing everything, he will withdraw with the armed force that he has to the interior of the Island, which with prudent foresight he will have already recognized for this case, taking all the horses and tame bacuno cattle that exist to a point where no danger can run."* [1572]

"... a detachment of fifty (sic) soldiers, "accompanied by their families," .., and the men settled in the part of the territory, surrounding Puerto Soledad, which the State had reserved. ... the soldiers sent there were deportees, criminals or vagabonds, condemned, according to the custom of that time, to the service of arms; and their sending meant an attempt at military and penal colony, - a "presidio", in the (old) sense of the word." [1573]

"In them he (Mestivier) was warned that the Commander of the Sarandí was commissioned to give him possession of the command with the formalities of ordinance, drawing a record in triplicate, signed by the commanders and officers present. He was then advised to inventory the weapons and war supplies there and to take care of the consumption of food, as well as to keep the troops in the best state of morale and discipline. He was also required to reconnoitre the place, an indispensable basis for organizing his defence. In these Instructions, Rosas added in his own handwriting: "he shall make every effort, that the inhabitants should sow corn, potatoes, beans, and other vegetables (and plants of trees) which are good in that climate, and that they may make the ranch of the people more abundant and pleasant...."..." [1574]

"General Rosas himself drew up a long list of instructions for Mestivier, amounting to 26 individual orders detailing exactly how he was to organise his command; most of them are concerned with military matters, with the preservation of stores, or with the relations with "foreigners" visiting the islands, but article 8 enjoined him to get the inhabitants to sow maize, potatoes, beans and other vegetables, and to plant trees – only the potatoes and beans were a going proposition in the Falklands – while Article 26 ordered him to ensure that dogmas and precepts of the Catholic church were taught to all the troops and "other inhabitants". [1575]

On the same day, orders are issued for *Sarandi's* commander, Lieutenant-Colonel José María Pinedo. Among other duties, he is to confer upon Mestivier, the command of the archipelago.

> *"3. After the Commander and his garrison are disembarked, the Commander of the Sarandi will gather the Officers of the Ship under his command and will give him possession of the Establishment, including the Island of Soledad and the other adjacent ones up to Cape Horn, flying on board and on land the flag of the Republic and making a salvo of twenty-one cannon shots. Of this possession and the detail of the formalities with which it was given, Lieutenant Colonel Don José Maria Pinedo will form*

1571 Listed in full in *Crónicas del Atlántico Sur: Patagonia, Malvinas y Antártida* Ernesto Fitte 1974
1572 Caillet-Bois 1982 (6th ed.) pp.287-288
1573 Groussac 1910 pp.45-46. There were only 28 soldiers.
1574 Caillet-Bois 1982 (6th ed.) p.287
1575 Pascoe 2022 vol.2 p.170 citing Fitte 1974 pp.355-361 quoting AGN X 3-4-5

a record in triplicate, and the three original goals will be passed successively to the Government by the Ministry of War. ...

7. In the event of an attack (against) the Island, shall provide the Commander with any assistance he may need, in advance agreeing (a plan) with him.

8. The Commander of the Sarandí Schooner will sail from NE-SW, from Soledad Island to New Island, that is to say one hundred and fifty miles, observing all of it the foreign ships that are fishing, (and) to those (he) will give the summons that the Island Commander hands him according to the instructions he has.

9. The Commander of the Schooner Sarandí shall keep the greatest circumspection with foreign warships, shall never insult them; but in the event of being run over violently and that it is done to him, he shall (fulfill) ... Article 41 of the 4th title of the Naval Code – that requires that every Commander of a war vessel must defend it from any Superiority that is attacked with the greatest courage, .. will never surrender to superior forces without covering onself with glory in its gallant resistance;.. [1576]

10. The Commander of the Sarandi may not withdraw from the Malvinas Islands until he has a competent order to do so." [1577]

"The warship Sarandi,... was to remain attached to the service of the islands,.." [1578]

"... according to her crew list she had a crew of 59 including 13 embarked soldiers... only one of her officers, Luciano Lista, was South American; Sublieutenant Henry Mason and pilot, ***Matthew Brisbane****, were British, and Lieutenants William Mason and Robert Elliot were American; most of the rest of the crew were British, many of whom had served in the Royal Navy; a few were Americans, while of the South Americans six were boys, three of them aged between ten and twelve."* [1579]

September 15th, the September 10th decree is published in *El Lucero* and *The British Packet & Argentine News*.

September 17th, the decree is published in the *Gazeta Mercantil*.

September 18th, all the papers covering discussions with the USA are laid before the Legislature of the Province of Buenos Aires, in Governor Rosas's name. [1580]

"... the Governor of Buenos Aires informed the Board of Representatives of everything that had happened with the American diplomat. To that end, he transmitted to the Provincial Chamber a copy of the correspondence that had been exchanged and which demonstrated the peaceful means chosen by the national authorities,

1576 See also *Cuando un Pinedo entregó las Islas Malvinas a un marino inglés de 23 años* Roberto Bardini 2010

1577 Caillet-Bois 1982 (6th ed.) p.411. See also Pascoe 2022 vol.2 p.172 citing AGN VII 60 fols.6-10. The orders were signed by Minister Balcarce and countersigned by Mariano Moreno.

1578 Groussac 1910 pp.45-46

1579 Pascoe 2022 vol.2 p.171. My emphasis. For 'soldiers' read 'marines'. There is a record of a William Mason born in the USA in 1812, son of a William Robert Mason, born in England circa 1776. Both died in Buenos Aires. The father in 1843 and the son in 1841 (aged 29). Colonel William Robert Mason took over command of the *Heriona* from David Jewett in February, 1821, at the Falkland Islands. Imprisoned in Portugal for piracy in 1822; released circa 1825.

1580 *Message of the Government to the Legislative body of the Province of Buenos Ayres, transmitting Correspondence relative to the Misunderstanding with the United States, with respect to the Right of Fishery, &c., on the Coasts of the Malvinas or Falkland Islands 18th September 1832* in *British and Foreign State Papers 1831-1832 p.311.* Copy in *PRO ADM 1/46.* For a collection of the correspondence in Spanish, see - https://falklandstimeline.files.wordpress.com/2023/12/collecion-de-documentos-oficiales-sobre-la-cuestion-pendiente-con-los-ee.uu_.-sobre-las-malvinas-1832.pdf

which, at all times, followed the principles of "probity, good faith and sound reason". The authorities flattered (themselves) that the Washington government "could not tarnish their glories, nor tarnish its name ..."..." [1581]

September 19th, Luis Vernet is summoned to see Minister Balcarce, to be told that a few of his employees will be permitted to sail with *Sarandi*. Vernet informs the Minister that Henry Metcalf will go as his agent.

September 20th, Vernet writes to Metcalf with instructions; including that the people are to obey the garrison commander as the lawful representative of the State. Travelling with Metcalf are employees, William Dickson (storekeeper), Ventura Pasos (deputy to Metcalf),[1582] Antonio Vehingar, William Drake, Charles Brazier [1583] and two gauchos – José Viel and Juan Quedy. [1584] Also a prisoner named as Máximo Warnes. [1585]

"... having resigned the office of Governor, ... about the same time sent back to the Island (in his own private capacity) the chief Gauchos and two respectable settlers and his Agent, Mr. Dickson, with supplies of every kind for the Settlement." [1586]

September 22nd, with *Sarandi* due to sail, Luis Vernet writes to Mestivier.

> *"The gov[t] seems to have the idea of soon sending another expedition; in that case I will do everything I can to ensure that it is better equipped than this one, ... I fear you will find the society of my young people a little insipid, but have patience, make yourself familiar with all my personal affairs, because it is my desire to have you at my side for a long time under arrangements which will suit well your interests and mine..."* [1587]

In a second letter, Vernet includes instructions on how to deal with *Superior*, on its (expected) return; attaching the papers from the Buenos Aires prize court regarding *Harriet* and noting that *Superior*'s cargo; *"is mine"*. [1588]

On board *Sarandi*, Brevet Major Mestivier is accompanied by his pregnant wife, Gertrudis. Twelve members of the garrison are also taking their families. [1589]

"The new Governor ad interim, was dispatched to his post, with a number of male and female convicts, taken out of the prisons, who are to make the pretended appearance of a Colony." [1590]

1581 Caillet-Bois 1982 (6th ed.) p.282 citing *Manuel V. Maza to the House of Representatives of the Province of Buenos Aires September 18, 1832* in *Colección de documentos oficiales*

1582 Pasos was the scion of a prominent Buenos Airean family and related to Vernet's wife by marriage. See August, 1833.

1583 Drake and Brazier had been members of the *Harriet's* crew when Vernet seized the ship in 1831. See January, 1833

1584 Brisbane had been employed as pilot aboard *Sarandi*, and so was unavailable to Vernet.

1585 Making the garrison reminiscent of the old Spanish presidio, where prisoners were sent to be employed with menial and agricultural tasks.

1586 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43.* Vernet provided more than one date for his supposed resignation. The more likely was in March, 1833 (see below). In 1852, Vernet was pursuing a compensation claim against the British government and was inclined to inflate the amount of goods 'provided' for the settlement.

1587 *Vernet to Mestivier September 22, 1832* in *AGN VII 130 doc.35*. Written in French.

1588 *Ibid. doc.37*. Written in Spanish. Vernet was obviously unaware that *Superior* was long gone. He also demanded '*justice*' should Mestivier encounter the ex-*Belleville* men, released from their obligation to Vernet by Silas Duncan. See Pascoe 2022 vol.2 pp.173-175

1589 Twelve men accompanied by twelve 'wives' and some eight children. How many of the couples, if any, had seen a priest is unknown. Antonina Roxa was aboard as a 'wife' (see Pascoe 2022 vol.2 for the many myths surrounding Roxa, who did not arrive in 1830 as some accounts would have it.). In addition, there were 16 unaccompanied soldiers and, apparently, one unaccompanied female. 49 in all. See 1833.

1590 *Fox to Palmerston October 15, 1832 CO 78/1/184.* Only one prisoner is known of with any certainty – Maximo Warnes – although it has been suggested that a number of the '*soldiers*' had been recruited (pressed) from the local prisons.

"Thus the Government responded to the threats that Baylies had made about any attempt to form a new Establishment in the Malvinas Islands." [1591]

From Buenos Aires, Foreign Minister Manuel Vicente de Maza writes to his *charge d'affaires* in London.

> *"The undersigned Minister of Grace and Justice in Charge of the Foreign Relations of the Argentine Republic has brought to the attention of the Delegate Government the note from the charge d'affaires at the London Court of June 20, in expressing the displeasure with which the conduct of Captain Silas Duncan, commander of the United States War Corps "Lexington", has been generally considered in England, reflects on the importance of the question concerning the Falkland Islands, and on the object which entertains the British Minister about this big business.*
>
> *The undersigned has passed in previous notes to the charge d'affaires all the antecedents of the events, both to illustrate the discussion that had to be raised about the attack committed by Captain Duncan on those islands, and about the alleged right of England, (in) which it is proposed to support the government of Washington for the freedom of the fishing. But the correspondence to which the mission of Mr. Baylies, the United States chargé d'affaires, gave rise, at one point, to the concurrent right to discuss at the same time the claims of that Republic, and the solidity of the foundations with which the Argentine nation can and must support its right to the islands.*
>
> *In the series of notes and documents that have thus had a bearing in the matter with the former Consul Slacum of the United States, as with the Legation of that State, everything printed will be sent to the charge d'affaires of the Argentine Republic in the immediate package, notwithstanding copies of the present dispatch, including the report of the Civil and Military Commander of the islands, Don Luis Vernet, which was sent to the United States charge d'affaires..,*
>
> *Mr. Moreno will find abundant materials, not only to rectify the public opinion by the organ of the newspapers on the facts that the error or the spirit of (any) party tries to adulterate, but to defend, (and) if it were necessary in its category to publish the right of the Argentine Government, to claim relief corresponding to the offense inferred by Captain Duncan, as to enjoy the privilege of fishing and in the Falkland Islands owned by the Republic, and on which it has the right of dominion inherent to the sovereignty exercised in them."* [1592]

Sarandi sails from the port of Buenos Aires for the Falkland Islands. [1593]

"... the new Governor, ad interim, was despatched to his Government with a number of male and female convicts taken out of the prisons, who are to make the pretended appearance of a Colony.- There is little doubt, however, that they will shortly escape back to the Continent." [1594]

September 23rd, *Sarandi*, after a stop to drop off Pinedo's second-in-command, Capitan Enrique Guinne (drunk), exits the Rio de la Plata.

1591 Caillet-Bois 1982 (6th ed.) p.281

1592 Quoted in Fitte 1966 pp.348-349. No mention of the 1829 British protest, but it must have been firmly in someone's mind. Predating Fox's protest, this begs a question about whether Britain's second protest came as any surprise.

1593 *Informe de Jose Maria de Pinedo al Comanandante y Capitan del Puerto de Buenos Aires enero de 16, 1833.* A copy of this report was used during the court martial of Commander Pinedo in January/February, 1833. A full translation of the copy is available in Pasco 2022 vol.2 pp.707-711. The original is no longer to be found in Argentina's Archivo General de la Nación. However, what may be the original in pdf form, can be seen online, here - https://www.argentina.gob.ar/sites/default/files/2022/11/2_informe_de_jose_maria_de_pinedo_al_comandante_y_capitan_del_puerto_de_buenos_.pdf

1594 *Fox to Palmerston October 15, 1832* in *PRO FO 6/499 fols 180-191*

September 24th, the Government of Buenos Aires orders that *Harriet*, finally, be sold.

September 26th, the USS *Warren* sails for Rio de Janeiro carrying Francis Baylies and his family, George Slacum, legation interpreter, John Mendenhall, and the contents of the American Consulate.

"He went there; stayed there not 3 months – just long enough to embroil his country in a senseless and wicked quarrel with the Government; and, without waiting for orders from his Government, demanded his passports and came home. Nothing but the imbecility of that South American abortion of a state saved him from indelible disgrace and this country from humiliation in that concern .." [1595]

"As a result, relations between United States and Argentina were severed; moreover the United States denied Argentine jurisdiction over the Islands, implicitly recognizing the British sovereignty." [1596]

"For over two years there were no relations whatever between the United States and Argentina, until Eben Ritchie Dorr took up the post of US consul in Buenos Aires on 27 November 1834; full diplomatic relations between the US and Argentina were only restored a decade later on 14 June 1844." [1597]

Aboard the USS *Warren*, Francis Baylies pens a letter for Secretary Livingston in Washington DC.

> "*The decree investing Don Jose Francisco Mestivier, a Frenchman, with the Government of the Falkland Islands was, as I believe, intended a parting salute to me. The Government had not the sagacity to perceive that the decree was not only inoperative as to the United States but was a direct denial of the British claim of sovereignty. … the armed vessel called the Sarandi sailed on the 23rd, it is said for the Falklands with arms, ammunition and soldiers, apparently with the design of taking formal and military possession. This measure will compel Great-Britain to act decisively. … I am inclined to think that the services of Captain Duncan will not be required in the second subversion of Vernet's establishment. …"* [1598]

"During the whole course of this discussion, which was lengthened out for four months and to which much publicity was given, a very unusual and unnecessary degree of irritation and ill humour was manifested by both negotiating Parties." [1599]

September 28th, in Buenos Aires, British Minister Henry Fox protests to the Provincial Government.

> *"The Undersigned, has observed, a decree lately published by the Government of Buenos Ayres, bearing date September 10 by which a Civil and Military Commandant, ad interim, is appointed over certain Stations in the Atlantic Sea, including the Falkland Islands.*
>
> *His Excellency Senor Don Manuel Vicente Maza, Minister charged with the Department of Foreign Relations is aware that, as soon as the Decree of the 10th June 1829, issued by the Revolutionary Authorities at that period in possession of the Province of Buenos Ayres, and containing certain provisions for the Government of the Falkland Islands, had been made known to His Britannick Majesty's Government, an official Protest against any assumption of right of sovereignty over those Islands, on the part of the Argentine Republick, was, in pursuance of the express orders of his Court, presented to the Government of Buenos Ayres, by the Charge d'Affaires of His Britannick Majesty.*

1595 Adams 1874 vol.9 pp.446-447. Formal diplomatic relations would not be re-established until 1844.
1596 *The Falkland Islands and the UK v. Argentina Oil Dispute: Which Legal Regime?* Alice Ruzza in *Goettingen Journal of International Law* 3 (2011) 1, 71-99
1597 Pascoe 2020 p.139
1598 *Baylies to Livingston September 26, 1832* in Manning 1932 pp.161-165. Also Pascoe 2022 vol.2 pp.175-177
1599 *Fox to Palmerston No.17, October 15, 1832* in *FO 6/499*

At the time when the events that had occurred at the Falkland Islands during the last year, became known at Buenos Ayres, the Undersigned refrained from making any observation upon those events, out of a sincere and friendly desire not in any way to embarrass the Government of the Republic, in the discussions in which it seemed likely to be engaged with the United States of America.

But, lest the silence of the Undersigned should by possibility be considered as implying an abandonment on the part of his Government, of the Rights of His Britannick Majesty, it becomes his duty now again officially to declare to the Government of Buenos Ayres, that the Sovereignty of the Falkland Islands, which compose a part of the Command granted in the Decree above alluded to, is vested in the Crown of Great Britain; and that no act of government or authority can be exercised over those Islands by any other power, without infringing upon the Just Rights of His Britannick Majesty."[1600]

"When our Government decided to appoint a political and military commander of the Malvinas, Mr. Fox, Minister Plenipotentiary of S.M.B., invoking the alleged rights of the crown of England over the islands, protested against this appointment. He could not be satisfied with what was said to him, and declared that, in the absence of any other answer, the English Government would see itself in the precision of the hand of force ..." [1601]

"The validity of these Protests is very much in doubt, but they do attest to the consistency of British policy. The British claim to the islands in 1832 can, strictly speaking, only be upheld so far as it concerns Port Egmont (West Falklands Island), the possession of which (aside from the question of its sovereignty) was ceded by Spain in 1771. ... Vernet never settled in West Falkland Island ..." [1602]

"Fox kept his promise to Baylies. A note addressed to Manuel V. de Maza let him know that he did not want his silence to be interpreted as an abandonment of English rights to the islands, in which they would not allow anyone to exercise sovereign rights." [1603]

"In protesting against decrees by the Argentine government, in 1829 and in 1832, Britain preserved its rights to the Falklands, which were extensive and longstanding." [1604]

October 1st, Minister Maza acknowledges the British protest note.

"The Undersigned Minister of Grace and Justice, provisionally charged with the Department of Foreign Relations, has received the Note dated the 29th of September last of H.E. the Minister Plenipotentiary of H.M.B., in which, in obedience to the orders of his Government, he asserts that the Sovereignty of the Falkland islands is vested in the Crown of Great Britain, and that no Act of Government or Jurisdiction can be exercised over those Islands by any other Power, without infringing upon the Just Rights of H.B.M.- The Supreme Government to whom the undersigned has submitted the above mentioned note, has given to it the due consideration to which it is entitled and

1600 *PRO FO 6/499 fols 195-196*. Delayed, upon Fox's own initiative. See March 22, above.

1601 *El Lucero* January 21, 1833. This suggests that there was a conversation. If so, none was recorded. The protest was submitted and acknowledged three days later. No answer was forthcoming.

1602 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490.* Vernet may not have settled West Falkland Island, but he did, on occasion, attempt to apply his fishing controls to it and enforce those regulations out as far as New Island. The division between East and West Falklands Islands being Falklands Sound.

1603 Caillet-Bois 1982 (6th ed.) p.320. Promise? Fox had finally got around to obeying the long delayed instructions of Lord Palmerston.

1604 Pascoe 2020 p.140

will be prepared to reply to the same, whenever it may become expedient to make known the Rights of the Argentine Republic over that Territory." [1605]

"Your Lordship will perceive that the Buenos Ayrean Minister, in his reply to my note, states that his Government is prepared, when it shall be required, to make known the rights of the Republic to the sovereignty of the Falkland Islands. But I am wholly unaware what arguments could be adduced, if the case were pressed, to meet the clear and positive title of the British Crown." [1606]

"The government of Buenos Aires ignored Fox's protest just as it had ignored Woodbine Parish's of November 18, 1829." [1607]

"Just as in 1829, the Argentine response to Britain's protest in 1832 was a mere acknowledgement of receipt and a bland statement that the government would reply in due course. But yet again there was no reply. The Buenos Aires government apparently never did consider it "expedient to make known the Rights of the Argentine Republick over that territory". [1608]

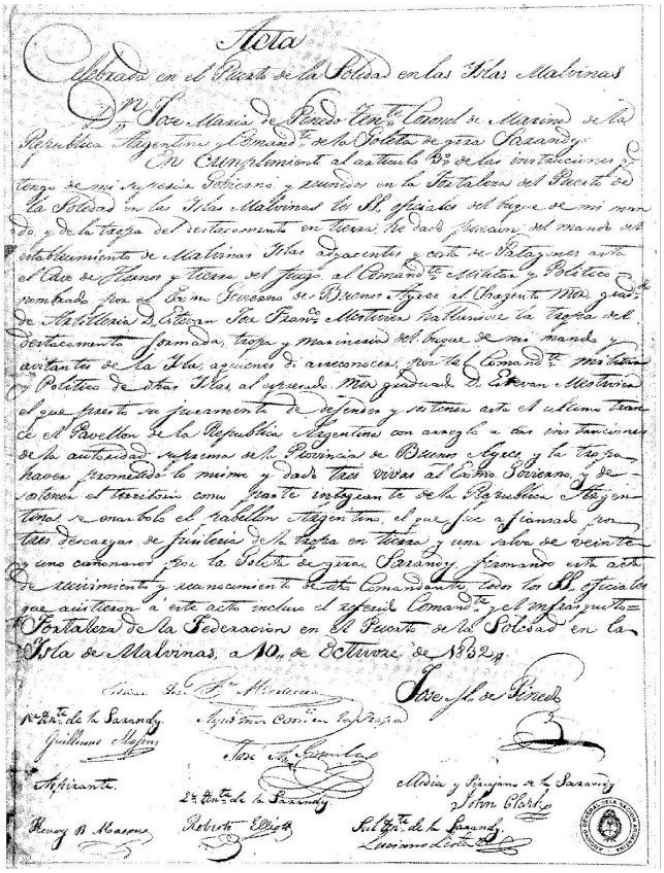
October 6th, at the Falkland Islands, *Sarandi* sails into Berkeley Sound. Vernet's *capataz* of the gauchos, Jean (Juan) Simon, is initially pleased to see another ship arriving, but when he sees the flag, Simon; "*... looked thoughtful and very upset, (he) said that if it were not for the troops that came (he) would not recognize the person who had been sent by Snr Vernet...*" [1609]

"... a small and semi-abandoned population, whose fearful inhabitants scrutinized with suspicion the pavilion of the ship." [1610]

October 9th, after sitting out a storm, the garrison disembark. More than doubling the local population.

October 10th, at Port Louis, in a formal ceremony, Lieut. Colonel Pinedo hands over *"possession of the command"* to Major Mestivier with the title of *Civil and Political Commander*, and *"designates the territory as an integral part of the Republic."* [1611]

An *Acta* is drawn up and signed by *Sarandi*'s officers (right).



Minutes Prepared in ***Puerto de la Soledad*** *in the Malvinas Islands*

Don Jose Maria de Pinedo, being Colonel of the Navy of the Argentine Republic, and Commander of the Schooner of War Sarandy (sic).

In compliance with 3° article of the instructions that I have from my supreme Government, and

1605 *Maza to Fox October 1, 1832* in *PRO FO 6/499 fols .198-199*. Also *FO 78/1/189* and Fitte 1966 p.354.
1606 *Fox to Palmerston October 15, 1832* in *FO 78/1/184.*
1607 Peña & Peña 2018
1608 Pascoe 2022 vol.2 p178. *cf.* 1829
1609 *'Declaracion de Mateo Gonzalez'* quoted in Caillet-Bois (6th ed.) 1982 p.290. This does not accord with what is known about Simon's enduring loyalty to Luis Vernet. To the death, as it would turn out.
1610 Caillet-Bois 1982 (6th ed.) p.290 citing *La Gazeta Mercantil* February 1, 1832 no.2907 p.2

meeting in the Fortress of Puerto de la Soledad in the Malvinas Islands the SS officers of the ship under my command and from the troop of the detachment on land, I have given possession of the command of the establishment of Malvinas, adjacent islands and the shores of Patagones as far as the Cape Horn and Tierra del Fuego to the Military and Political Commander appointed by the Government of Buenos Ayres, Artillery Sergeant Major, Don Estevan Jose Francisco Mestivier (and) finding the troops of the detachment formed, troops and sailors of the ship of my command and inhabitants of the Island, I recognized as such Military and Political Commander of these Islands the (unreadable) Major (Brevet) Don Estevan Mestivier, who took his oath to defend derive and sustain until the last moment the Flag of the Argentine Republic in accordance with the instructions of the supreme authority of the Province of Buenos Ayres, and the troops promised the same and gave three cheers to the most Excellent. Government, and to sustain the territory as an integral part of the Argentine Republic, the Argentine Flag was raised, which was supported by three rifle shots from the ground troops and a salvo of twenty-one cannon shots by the Schooner of War Sarandy, signing this certificate of receipt and recognition of this Commander, all the SS officers who attended this event including the aforementioned Commander and the undersigned.

Fortress of the Federation in the port of La Soledad in the Island of Mavinas, 10 of October of 1832 [1612]

Jose Maria de Pinedo

"... on 10 October I fulfilled the orders and instructions of the Minister for War and Marine, placing Major D^{n} Esteban Mestivier in command of the Islands, and hoisting the National Flag with a Salute of guns, carrying out the Act of possession ..." [1613]

Brevet Major Mestivier takes command of the garrison at Port Louis.

"Mestivier satisfied all the acts of possession that he had been required to perform. He found a washed-out colony, thoroughly devastated by USS Lexington and he committed himself to putting things back in proper order. ... A rigid disciplinarian, he soon attracted the hatred of the whole military garrison." [1614]

October 13th, from Rio de Janeiro, Rear-Admiral Baker writes to London with news of *Sarandi*.

"... the Buenos Ayrean Government have sent a Schooner of War with a new Governor, and a number of other Persons, to resume Possession of the Falkland Islands, notwithstanding a Protest which, it is said, has been made by Mr. Fox, against their doing so." [1615]

From Buenos Aires, Minister de Maza writes to the US Secretary of State in Washington, complaining that Francis Baylies had failed to negotiate the preliminary issue (rights), and had; *"... closed all the ways by which to be able to arrive at a reciprocal (and) decorous arrangement."* [1616]

"But whether pernicious influences had prevented, or upset the judgment of the Snr Bailies [sic], or whether His Lordship had to act within the narrow limits of precise instructions, far from having provided any means of treating frankly and solemnly the point made by the Government, as a

1611 *Report of Don José María de Piñedo, Lieutenant-Colonel of the Navy of the Argentine Republic and Commander of the warship Sarandí October 10, 1832* in *AGN VII, 60.*

1612 My emphasis. Use of the old Spanish name, Puerto Soledad, is intriguing. As though Vernet had never reported the change to Port Louis. Port Louis had been the original French name (1764-1767), but was also one of the ways that Luis Vernet spelt his first name. Also "*Island of Malvinas*", singular. Part of the confusion has always been that the British referred to Falklands Island for the whole archipelago and the Spanish to two islands - Gran Malouine (from the French) and Isla de Soledad (East Falkland). Now Argentina with "Island of Malvinas". Names can be important.

1613 Pinedo in *AGN VII, 60, fols 11-27*

1614 Peña & Peña 2018

1615 *FO 78/1/76*

1616 *Archivo del Ministerio de Relaciones Exteriores, Division Politica, Islas Malvinas, leg.II, exp.I 1832/35 t.III*

preliminary to the questions contained in its first note, closed all the roads through which it could arrive at a decent reciprocal arrangement." [1617]

"He then announced the dispatch of a minister to Washington." [1618]

October 15th, Britain's Minister Fox reports to London on the departure of the US representative. [1619]

"Mr. Baylies (denied) in toto, the claims of the Argentine Republic to the Sovereignty, either of the Falkland Islands, or of any of the other islands or stations, situated on the eastern coast of this Continent, to the South of the 41st Degree of South Latitude. ... I found that the American Charge d'Affaires and his Government were already fully aware of, and prepared to acknowledge the Sovereign Rights of His Majesty. ...

But it is my duty to add, and to this I venture to solicit the particular attention of your Lordship, that the North Americans appear to claim, further, for themselves, an original right to freedom of fishery over all the waters adjacent to the Falkland Islands; and moreover to ground this claim (as Co-heirs as it were with Great Britain in America) upon the very fact of right of sovereignty over those islands being vested in the British Crown.

As this singular view of the subject was not advanced in any particular communication to myself, I did not feel called upon to make any observation, thereupon; but I found that the principle was implied throughout all the arguments of Mr. Baylies,.. [1620]

I presume that H.M. Government will by no means concur to this extent in the claims of the subjects of North America; but that, on the contrary, in the event of the Falkland Islands becoming at some future day, a peopled and organised British Settlement, the necessity must be kept in view of securing some protection for the inhabitants, and of imposing consequently, just restrictions upon the right of fishery along their coasts." [1621]

"Was there a conspiracy between the American and British governments to support the British occupation of the Falkland/Malvinas islands in the early 1830s? There is no evidence of high-level government collusion between Washington and London, to support the British occupation of the Falkland/Malvinas Islands. There is only conclusive evidence that commercial interests in the region's fisheries led the US government to oppose the Argentine claim to the Islands, but not necessarily to support the British claim. ... Baylies's quid pro quo offer to Fox was his own idea..." [1622]

October 17th, in Buenos Aires, newspaper *El Lucero* notes the imminent departure of Minister Fox, describing him as an "*affable character*." [1623] Secretary Philip Gore presents his credentials as *charge d'affaires ad interim*.

October 18th, from Washington, Britain's *charge d'affairs* Bankhead writes to Lord Palmerston.

1617 Maza quoted in Caillet-Bois 1982 (6th ed.) p.282 citing *Archivo del Ministerio de Relaciones Exteriores, Buenos Aires Division Politica, Islas malvinas Leg.II exp.I 1832/35 t.III*

1618 Caillet-Bois 1982 (6th ed.) p.282. It would be a year before a representative from Buenos Aires arrived in Washington.

1619 *Fox to Palmerston No.17, October 15, 1832* in *FO 6/499*

1620 In fact, the suggestion of a *'right of fishery'* inherited from Britain was initiated by an American journalist. *cf.* FitzRoy 1839 vol.2

1621 *PRO FO 78/1/177-184. Also PRO 6/499 fols.180-191.* For a more detailed analysis see Pascoe 2022 vol.2 pp.180-182

1622 Maisch 2000.

1623 Caillet-Bois 1982 (6th ed.) p.330 fn.3. Why it was decided to send Fox to Brazil before a replacement Minister Plenipotentiary arrived is not clear. A downgrading of Britain's presence, perhaps. Or the expectation of a dispute?

"The dispute was originally a consequence of the aggression perpetrated by Captain Duncan, of the USS Lexington in one of the Falkland Islands that was under the government of Vernet, whose authority has since been recognised and supported by the Argentine Republic." [1624]

From Buenos Aires, Britain's Minister Fox transfers to a position in Brazil, leaving *chargé d'affaires* Philip Gore and Consul Charles Griffiths as the British representatives in Argentina. [1625]

October 20th, from New York, Lewis Krumbhaar writes to Luis Vernet to report the September 14th response from Silas Burrows regarding *Superior*. He also opines on the situation in Buenos Aires; *"saying he doubted whether the judgement by Dr. Cardenas of the Buenos Aires prize court (on 16 February 1832) necessarily implied that the ships and cargo would become Vernet's property. He added that he thought the legal costs might run to $500, and that as a foreigner Vernet might have a better chance if the case were taken to the US Supreme Court in Washington."* [1626]

October 26th, Krumbhaar adds a postcript to his letter of the 20th, to tell Vernet that he has been told that the UK had informed the US government that it owned the Falkland Islands; restricting any possible action against Silas Burrows and perhaps threatening Vernet's land claims in the Islands.

November 2nd, following a request for information, General William Carr Beresford, Governor of Jersey, writes to Viscount Goderich. [1627]

"Wanting to cover the usurpation with the most complete legal forms possible, Beresford was asked to report on the plaque left in Port Egmont by the English in 1774, and which had subsequently been sent by the Spanish authorities to Buenos Aires." [1628]

November 4th, at Buenos Aires, an auction to sell *Harriet*, seized by Vernet in 1831, attracts a single bid of 8,000 pesos; below the estimated value of 15,000 pesos. Not accepted.

November 6th, at a second auction, *Harriet* attracts an offer of only 7,400 pesos. Again, not accepted. [1629]

November 14th, at Port Louis, the British whaler *Rapid* (John Ross) arrives leaking badly and in need of urgent repairs; requiring that she be '*beached*'. Pindeo offers the assistance of his ship's carpenters. [1630]

"... Rapid was a whaler, and Buenos Aires had no objection to whaling since whales were the produce of the high seas; seals were regarded as the produce of the islands, so it was only sealing by "foreigners" that had to be suppressed." [1631]

1624 Quoted in Fitte 1966 p.359 citing *FO 5/273.*

1625 The exact date of Fox's departure is not given.

1626 Pascoe 2022 vol.2 (Kindle edition).

1627 Beresford had been involved in the attack on Buenos Aires in 1806, during which he had discovered the lead plate left at Fort George on Saunders Island by Lieut. Clayton in 1774. Nailed to the door of the fort, the plate had been stolen in 1776. It said – *Be it known to all Nations, That Falkland's Island, with this Fort, the Storehouses, Wharfs Harbours, Bays and Creeks thereunto belonging, are the sole Right and Property of his Most Sacred Majesty George the third, King of Great Britain, France and Ireland, Defender of the Faith. In Witness whereof this Plate is set up and his Britanick Majesty's Colours left flying as a mark of possession by S. W. Clayton, commanding officer at Falkland's Island. A.D. 1774*. Beresford had sent the plate back to the UK, but as Britain was at war with Spain in 1806 no further action was taken. The plate was eventually destroyed in a fire at the Great Storehouse at the Tower of London. *cf.* 1774, 1776, 1806 & 1841

1628 Caillet-Bois 1982 (6th ed.) p.322 fn.2 citing *Beresford to Goderich November 2, 1832*. *cf.* 1774, 1776, 1806 & 1841

1629 Seemingly, on November 7, 1832, Luis Vernet offered to take the ship off the government' hands. Also rejected. A year later, in November, 1833, the vessel remained unsold.

1630 *AGN VII 130 doc.45*

1631 Pascoe 2022 vol.2 p.183

November 17th, at Rio de Janeiro, HMS *Clio* arrives from the Pacific Ocean.

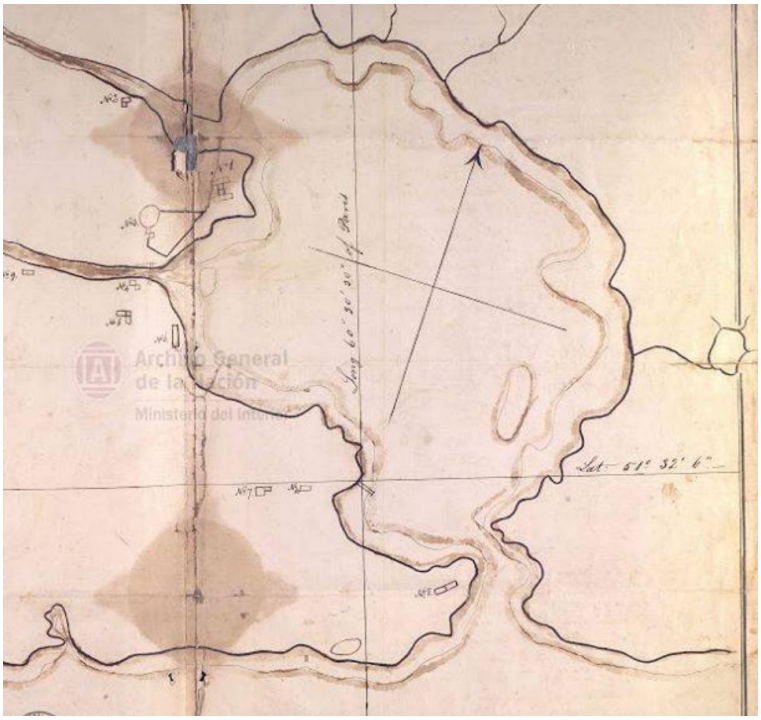
November 20th, Admiral Baker receives the Admiralty instructions of August 31st.

> "*... directing me to despatch a ship of the Squadron under my orders to Port Egmont, in the Falkland Islands, for the purpose of exercising His Majesty's Rights of Sovereignty there...*" [1632]

"The islands were not res nullius, but they were not yet clearly recognised by the international community as being under one nation's sovereignty. Britain hoped to use this fluid situation to finally solidify its claim." [1633]

"... the ship Lady Mary Pelham brought a communication... entitled "Directive to send a ship of the squadron to Port Egmont in the Falkland Islands for the purpose of exercising the rights of sovereignty there and of acting in the said Islands as a possession belonging to the crown of Great Britain"." [1634]

November 21st, at Port Louis, Major Mestivier expels two gauchos, Manuel Ruiz and Mariano Lopez, as '*undesirable*.' They are immediately '*pressed*' into the crew of the *Sarandi,* which sets out to patrol the islands. [1635]



In the Falklands, American whaler *Uxor* anchors at Arch Island to effect repairs.

November 24th, *Rapid* is hauled ashore near the Port Louis settlement. [1636]

November 28th, at Rio de Janeiro, aboard HMS *Warspite*, Rear-Admiral Thomas Baker issues orders to John James Onslow; commanding *Clio*.

> *"The Right Honourable the Lords Commissioners of the Admiralty, having, in pursuance of His Majesty's pleasure, signified to me their directions to despatch a ship of the squadron under my orders to Port Egmont, in the Falkland Islands, for the purpose of exercising the rights of sovereignty there, and of acting at the said islands as in a possession belonging to the crown of Great Britain; you are hereby required and directed to put to sea tomorrow morning in his Majesty's sloop Clio, under your command, and proceed with all expedition to Port Egmont, for the purpose of exercising the rights of sovereignty over the said islands, and of acting thereat as in a possession belonging to the crown of Great Britain accordingly.*

1632 *ADM 1/40*

1633 Gustafson 1988 p.25. Britain really didn't see it that way. The Falklands were British, and had been since Byron's reclaim in 1765. British property. Protecting British territory was the Navy's primary function, provided, of course, that it didn't cost too much. Annual visits were considered reasonable expenditure to reinforce ownership rights.

1634 *Malvinas 1833: Antes y Después de la Agresión Inglesa* Arnoldo Canclini 2014 (2nd ed.) p.34

1635 *AGN III 27-8-4 doc.33*

1636 The map on this page, drawn by Louis Vernet, purports to show Port Louis as it was in October, 1831, before the visit by the USS *Lexington*. Similar to that depicted here - https://falklandstimeline.files.wordpress.com/2019/03/1831-c.-port-louis.png The building by the entrance are the settlement's store with attached house. The faint H shaped building, upper left, is the house of Luis Vernet (occupied by Mestivier after his arrival).

On your arrival at Port Egmont, you will immediately restore the symbols of his Majesty's sovereignty over the ***Falkland Islands****,*[1637] *consisting of the blockhouse, flag-staff and flag, formerly erected there by England, if you find such symbols have disappeared or fallen into decay; and you will, with that view, hoist the British union flag on shore, and proceed to repair Fort George if any part of it remains, or to construct a new small fort or block-house on its ancient site, of adequate dimensions, on which, when it is completed, you will erect a permanent flag-staff, and keep the British union flag constantly hoisted.*

Should you find at Port Egmont any persons professing to be British subjects, you are to call them publicly before you, and register their names, ages, and occupations, together with the time they may have been residing in the Falkland Islands; and in the event of there being also at that port any foreign persons, occupied in peaceable pursuits, you will explain to them the relation in which they are to continue to hold themselves to the crown of Great Britain, whilst they remain in the British settlement of the Falkland Islands; you will endeavour to ascertain, as near as possible, the numbers and nations of any such foreigners, but you are not to disturb them in their agricultural or other inoffensive employments. [1638]

So soon as you shall have accomplished this service at Port Egmont, you will charge the most respectable British subject in the place, if there be one, to preserve the British flag, and to keep it duly hoisted; and should nothing unforeseen have arisen, during your stay, to require your further presence there, you are to set out on your return, to give an account to the Commander-in-Chief, for the information of the Lords Commissioners of the Admiralty, and his majesty's Government.

Such will be your routine, if you meet with no impediment; but should you find, on your arrival at Port Egmont, any foreign persons in military force, who, affecting to be in possession of that port, may have hoisted a foreign flag, or shall attempt to resist your landing or operations, in obedience to these instructions, you are, in the first place, to acquaint the chief person commanding such force with the object of your mission; request to be informed of the reason of the force under his command being there in a British settlement; and, in terms of civility, require that the flag, if any be hoisted, be immediately struck, and that the force may be quickly withdrawn.

You will then wait his reply, and, should he promptly comply with your request, you will, <u>under due caution</u>, afford every facility in your power for the embarkation and orderly departure of the foreign force in question, with any property to which such force may have a just claim; but if, on the contrary, your request for such flag to be struck, or for such foreign military force being withdrawn, should be refused, and objections of any sort be raised against compliance, you are, providing you deem the force of the sloop under your command adequate to the duty of forcible expulsion, to command, in the name of his Majesty, the said foreign person exercising chief authority, and all foreign military persons whomsoever, to lay down their arms and quit forthwith at their peril, the British possessions. And if, after this command, any further hesitation or resistance be attempted, you are to compel them to depart; observing that, in the event of your being obliged to have recourse to this painful measure, which you are only to adopt in the last extremity; you are to execute it with all moderation, consistent with its effectual accomplishment. And you are to admit of no compromise or evasive delay under any pretence whatever, if there be vessels present to convey such military persons away; it being his Majesty's purpose to keep up and maintain his sovereign rights over these Islands.

1637 My emphasis. Islands, plural.

1638 Later, Luis Vernet would argue that this instruction not to disturb the residents both recognised and guaranteed his rights on East Falkland Island. *cf.* December, 1856

If, however, there should be no means of conveyance from the Islands for such foreign military persons, they are to be disarmed, and left there until further measures can be taken for their early removal.

Should you, on the other hand, be of opinion, that any such foreign force which you may find at Port Egmont, ***or in any other port or place in the said islands****, are decidedly superior to the force of the Clio, which is scarcely to be expected; and it might therefore be imprudent to attempt to expel them by force of arms, you must then, should your request for their departure be rejected, most solemnly protest in writing, in the name of the King, against such forcible resistance and hostility in the British territories, and warn such chief person in command, and all persons whomsoever, of the lamentable consequences which must inevitably and suddenly follow so gross a violation of the law of nations, and especially of the dignity and sacred rights of Great Britain.*

Excepting this protest, you are to enter into no written correspondence whatever with any such military persons holding forcible possession of his Majesty's dominions; nor to recognise them by any of proceedings in any other view as illegal intruders. And if, after your final protest, the person exercising chief command of such foreign force, should still refuse to resign possession of the place, you are to proceed with all possible despatch to join the Commander-in-Chief for further orders. But as it is desirable that his Majesty's minister at Buenos Ayres should be made acquainted as early as possible with the result, whatever it may be, of your visit to the Falkland Islands, you will call in on your return at Monte Video, whence you will forward to that gentleman a concise report of your proceedings; and should you not find the Commander-in-Chief in the river Plate, you will hear intelligence of his position, and resume your exertions to rejoin him without a moment's delay. [1639]

On the same day, with the arrival of HMS *Tyne* at Rio de Janeiro, further orders instruct Onslow.

"With reference to the 7th and 8th Paragraphs of my Instructions to you of this day's date, regarding your proceedings at the Falkland Islands, you are to understand that His Majesty's ship Tyne having now arrived here, and it being my intention to direct Captain Hope to call in at Port Egmont on his way to the Pacific; you are in the event of meeting with the obstructions provided for in those two paragraphs, not to return to the Commander in Chief for further orders immediately, but you are to wait the Tyne's arrival there, and follow the Orders of Captain Hope in carrying the directions of the Lords Commissioners of the Admiralty into complete execution..." [1640]

"An examination of the documents cited shows us that the Instructions drafted by Rear Admiral Baker do not contain the slightest reference to Puerto Luis or Puerto Soledad. The whole boils down to pointing at Port Egmont as the theatre of action in which Onslow must perform his task. What is the reason why the Admiralty and its rear admiral, aware of the existence of a white population in Puerto Luis, omit to mention this point in a document of such importance? How can we explain, moreover, that Onslow, after a very short stay in Port Egmont, launched in a straight line in search of Port Louis? This leads us to conjecture that either verbal instructions were given to the above-mentioned officer, or, much more likely, there are reserved instructions whose content is unfortunately unknown to us." [1641]

1639 *PRO FO 6/500/181.* Underlined is original emphasis. Bold is my emphasis. See also *ADM 1/2276.* Slightly different version in Whitington 1840. The use of plurals when referring to the islands suggest that Onslow's instructions were not restricted to West Falkland or the area around the harbour of Port Egmont.

1640 *ADM 1/40. Tyne* was carrying a new British Consul for Peru, Colonel Belford Hinton Wilson.

1641 Caillet-Bois 1982 (6th ed.) p.322

November 29th, from Rio de Janeiro, HMS *Clio* sails for the Falkland Islands. [1642]

"The Clio's logbook briefly states that on November 29 it left Rio destined for "Eagle Point and Port Louis". ... This is the first and only time Port Louis is mentioned, which does not specifically occur in ant of the instructions given to Onslow ... Eagle Point is the northeastern end of the entrance to the bay that leads to Port Louis; the name came from the ship Aigle, owned by Louis de Bougainville in the 18th century, and appears as "Aquila" on Spanish and Argentine maps." [1643]

At Port Louis, following disorder among the troops and some floggings, a group of soldiers plan a mutiny.

"... a woman who at the time of the murder was living with one of the murderers, and who, according to her own statement, was informed the night previous by he companion of the intention to kill the Governor in the morning, but was afraid to advise him of the danger..." [1644]

"... their superior was thought to be unnecessarily severe, and occupied them increasingly in drill and parade,... They were obliged in consequence of his system to live upon worse fare than the settlers, because they could not go about to forage for themselves;.." [1645]

November 30th, from Rio de Janeiro, Rear-Admiral Thomas Baker writes to inform Gore at Buenos Aires of; *"... having sent the Clio to the Falkland Islands, and I inclose a copy of the instructions under which Commander Onslow is acting."* Baker also reports to the Admiralty in London, noting that; *"I have made this communication to Mr. Gore to enable him to meet any Representations that may be made by the Buenos Ayreans."* [1646] Baker adds; *"... it has been reported that Mr. Vernet has returned on the warship Sarandi, with a number of people of all nationalities and types as attachés and settlers."* [1647]

At Port Louis, Brevet Major Mestivier is murdered.

> *"At 8am the troops of the island mutinied against their Commander, stabbed and shot him dead in his own kitchen, dragged him out to the green and buried him about two hours after they committed the deed – his wife was in a deplorable case but (we) could not render any assistance whatever at the time – I charged all our small arms and one of our guns as they threatened to murder us and take the Schooner..."* [1648]

"On the 30th of November last year, seven individuals of the Buenos Ayrean garrison, which at this time consisted of twenty-five men, ... murdered, under circumstances of particular atrocity, Major Veil (Mestivier) their late commander, and Governor of the Falkland Islands, in consequence solely of their having been reprimanded and confined by him for stealing Rum; - the Murderers then surprized the remainder of the Garrison, and by threats of instant death, forced them to express their approval of the murder of the Governor, as he was only a foreigner. They then dragged forth the body of the unfortunate Governor, and after cutting and mutilating the face, put raw meat and tobacco into his mouth, jumped upon it and treated it with every possible indignity, his Wife, by birth a Buenos Ayrean, described to be a young and amiable woman of twenty-two, being within hearing and almost within sight of these proceedings." [1649]

1642 *The British Packet & Argentine News* December 15, 1832.
1643 Canclini 2014 p.42
1644 *Report of Harger, Rio de Janeiro February 28, 1837* in *PRO CO 78/3.* The woman was Antonina Roxa.
1645 FitzRoy 1839 vol.2
1646 *Contents of Vol.160 Rear Admiral Sir Thomas Baker Commander in Chief from 26 September, 1831 to 3 March, 1833. The South American & Cape of Good Hope Stations United. By Admiralty Order dated 20 June, 1831* in *ADM 50/188*
1647 Canclini 2014 citing *PRO ADM 1/39*
1648 Log of *Rapid*. Copy in *AGN VII, 130, doc.45*
1649 *Report of Belford Hinton Wilson, HMS Tyne, January 24, 1833* in *PRO CO 78/1 fols.205-206*

"... after many threats they murdered him." [1650]

"... the garrison mutinied and Sergeant Manuel Saenz Valiente shot and hacked Mestivier to death." [1651]

"Faced with the possibility of new incursions, the government of Buenos Aires had instructed Mestivier regarding the need to maintain the discipline of the troops and order among the other people who inhabited the establishment. In compliance with the provisions, the commander imposed sentences of arrest, flogging, and other severities, measures that, although they were legally authorized, were poorly tolerated and resisted by some of his subordinates due to the rigor of their application. In this way, the violent reaction of one of them was unleashed, who, supported by several accomplices, assassinated the officer in the midst of confused and sordid episodes and before the passivity or complicity of the second in command, who did little or nothing to prevent him from consummate the crime." [1652]

Other members of the garrison join in the rioting that follows for much of the day. The crew of the beached *Rapid*, under its captain, John Ross, take up defensive positions with two loaded cannon and small arms.

"Total anarchy then reigned at Port Louis as the Argentine troops went on the rampage. Some of the other soldiers joined the seven principle mutineers, terrifying the inhabitants and robbing their houses...Gomila was now the acting commander of the garrison, but he joined in their excesses, exulting in Mestivier's death, moving into the room of his widow and repeatedly showing her the watch he had stolen from Mestivier's body. ... That evening, 30 November 1832, the crew of the Rapid stood ready to defend their ship from the mutinous Argentina troops, who threatened to capture her..." [1653]

As dusk approaches, the French whaler, *Jean-Jacques*, under Captain Guérin, returns to Berkeley Sound; seen by both the crew of *Rapid* and the mutineers. [1654]

> *"At 6PM saw a ship beating up the sound – at 9.30 PM saw the troops muster with their arms and come down towards us – called all hands to be in readiness to jump the moment they discharged one shot. They crossed our bows, halted, went through some manoeuvres and marched up again leaving a guard of 7 men close ahead of us.-"* [1655]

"After a long enough crossing, but not having experienced any damage, I found myself on the 30th of last month in the northern part of the Falklands; my intention was to pass by in the West, but not having been able to double the Savage Islands, I was forced, by the power of the wind, ... to the east part. Being at the opening of a Bay I found, and the wind continuing with violence, I entered it with the intention of waiting out the wind, and taking refreshment for a few days. I was retained by the circumstances..." [1656]

December 1st, moored in Berkeley Sound, Guérin is informed of what has happened by Capt. Ross.They both lead a party of men up to the garrison site where they speak to Adjutant Captain Jóse Antonio Gomila. Gomila claims to have no control over the troops.

> *"I consider Adjutant Gomila the principal perpetrator of the death of my late husband; he incited those who encompassed it."* [1657]

1650 FitzRoy 1839 vol.2
1651 Peña & Peña 2018. Pinedo identified Valiente as holding the rank of Soldier (Private).
1652 Jiminez, Alioto & Villar 2018 p.47. These authors identify Manuel Saenz Valiente as being of '*African descent*'.
1653 Pascoe 2022 vol.2 p.191
1654 This whaler had previously visited the port in February 1830.
1655 Log of *Rapid* in *AGN VII, 130, doc.45*
1656 *Guerin to Hovius* December 8, 1832 in *Le Moniteur Universel* August 5, 1833. In full in Pascoe 2022 vol.2 p.204
1657 Gertrudis Mestivier quoted in *El Lucero* February 9, 1833. At the trial in February, 1833, the ringleader was identified as Manuel Sáenz Valiente

"... all the disorder, murdering and everything that happened on the Island was due to him, and he alone is the guilty party. His timidity and cowardice put him in such a state of confusion that he did not know what to do."[1658]

Mestivier's widow, Gertrudis, is taken aboard the French ship; together with Henry Metcalf and William Dickson. Adjutant Captain Gomila also. On shore, looting continues. Concerned that his ship remains vulnerable, Capt. Ross maintains an armed vigilance.

"That visit to the settlement by Ross and Guérin was the first of Guérin's three visits ashore, and the first of two occassions on whcich he called the Argnetine garrison together and addressed them in Spanish, which he spoke fluently. ... Guérin says he threatened to land with twelve boats and 50 well-armed menand have them all shot if they resisted him in any way. ...following Guérin's threats the murderers took 30 horses, 4,000 cartridges and many weapons and fled into the Camp (countryside)." [1659]

December 2nd, Guérin and Ross lead a party of armed men to retrieve property belong to Mestivier's widow.

December 3rd, the carpenters left behind by Pinedo ask to be taken aboard *Jean-Jaques* for their own safety. Guérin tells those members of the garrison who he can find, that if they feel themselves innocent then they should surrender to him. Some do, and are placed aboard the *Jean-Jacques*.

> *"The dissension among the assassins soon provided me with an opportunity to seize them. I made them call, and making myself unarmed in the midst of them, accompanied by their captain, I demanded that all those who did not believe themselves guilty of the murder separate themselves from others and go on board with their captain: more than half, as I thought."* [1660]

From Buenos Aires, a copy of Vernet's report, as presented to Baylies but left unread, is sent to the US Government. [1661]

In Washington DC, in his annual report to Congress, the Secretary of the Navy refers to the Falklands; *"Our trade and fisheries have not been bothered there since that occurrence."* [1662]

December 4th, US President Jackson's 1832 *'State of the Union'* address is delivered to the nation.

> *"I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message was at the date of our last advices still pending and in a state that would render a publication of the details inexpedient."*

"Jackson whitewashed Comdr. Duncan's destruction of the Argentine settlement .... by saying that publication of details of the Buenos Aires incident would be "inexpedient." No report was made by the President to Congress of Duncan's attack." [1663]

December 5th, at Port Louis, eight gauchos seek refuge aboard *Rapid*. Capt. Ross keeps, "*all hands in readiness for defence.*"

In Buenos Aires, General and Governor Juan Manuel José Domingo Ortiz de Rosas, formally resigns. [1664]

1658 Letter from Pinedo published in *La Gaceta Mercatil* February 11, 1833. See Pascoe 2022 vol.2 pp.205-106
1659 Pascoe 2022 vol.2 p.192
1660 *Guerin to Hovius December 8, 1832* published in *Le Moniteur Universel* August 5, 1833
1661 See August 10, 1832
1662 Quoted in *Dominguez a Ortiz 25 de abril de 1884* in Fitte 1966 p.458. *cf.* December, 1831
1663 *The Chicago Tribune* July 8, 1949
1664 Rosas had attempted to extend further his already dictatorial powers, but this had been rejected by the Legislature, so he resigned in a fit of pique. To keep himself occupied, Rosas attacked the Indian tribes of Patagonia in the first War of the Desert. He would be back. See 1835, below.

December 6th, at Port Louis, the stand-off continues. *Rapid* is still beached, but preparations are in hand to refloat her. *Jean-Jacques* remains offshore with her guns aimed at the settlement.

December 7th, *Rapid* is refloated. *Capataz* Jean (Juan) Simon, organises a team to hunt down the mutineers.

"... the capture of the seven men of the rebellion is due to the capataz of the Islands, who of his own initiative attempted to do it, and he and the French captain who was there asked Gomila to accompany them, with some soldiers and with more than thirty men whom the French captain put at his disposal, and with the gauchos of the Island, all well armed and ammunitioned, and he (Gomila) did not have the courage to go, and he admitted having been insulted by the two of them (Simon and Guérin) and remained in the houses, and the capataz, who had already committed himself to doing so, went with four gauchos and some soldiers who voluntarily followed him, and that same morning he captured them,..." [1665]

Simon returns with the captives. One of his gauchos, rides in ahead to bring the news, firing a shot in the air to rouse the inhabitants; *"... Gomila got such a shock that he fled for the boats, shouting to everyone to go aboard and that the rebels were coming..."* [1666] All the mutineers are placed in irons aboard *Rapid*.

> *"There is also a small English schooner in the harbour; her name is Rapid from Liverpool; as she was stranded and in repair, it could not be of any use to me. Since yesterday it is afloat, I have put the prisoners there, and I had the rest of the soldiers disarmed, which I had put on land. I will estimate the expenses caused by the delay of the ship and the value of the consumption of food made on board by the troop and families..."* [1667]

In the west of the Falklands, at New Island, Lieut. Col. Pinedo finds the American sealer *Sun*. Pinedo orders its captain, Joseph P. Trott, to leave the Islands; *".. after firing on her and treating her officers and crew with great insolence."* [1668]

> *"... on New Island I sighted the schooner Sol, dedicated to fishing, of wolves on that island, which I forbade him and ordered him to leave. The man fled from me and it took me a whole morning to chase him, until I hunted him down in a port on the island."*[1669]

"Captain Trott States, that on the 7 December ult., while standing out of North Harbor, New Island (one of the Falklands) he fell in with that vessel (Sarandi) whose Commander, with much abusive language, order'd him to depart immediately from those fisheries and return to the United States, threatening to capture and send him to Buenos Ayres in case he was again found engaged in them, and declaring his intention to deal in like manner with all American vessels in similar circumstances. The following is the notation which he indorsed on the Sun's Register:[1670] *"Don Jose M. Pinedo, Lieutenant Colonel de Marina, and Commander of the Goleta Argentina Sarandi: Having recognized the American schooner Sun, the one who is fishing for wolves, has prohibited it, according to the orders of his Superior Government, and recorded (it) not to continue the fishing of wolves in these Islands, and to return to its Country. New Island of Malvinas 7 December 1832"."* [1671]

"... it was the first time that Buenos Aires had extended its activities beyond East Falkland (the only island included in Louis Vernet's concession of 1828..." [1672]

1665 Letter from Pinedo published in *La Gaceta Mercatil* February 11, 1833. See Pascoe 2022 vol.2 pp.205-106
1666 *Ibid.*
1667 *Guerin to Hovius* December 8, 1832 published in *Le Moniteur Universel* August 5, 1833
1668 Greenhow 1842. Caillet-Bois (1982 (6th ed.) p.294) gives the date as November 21, 1832.
1669 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833.
1670 *Medenhall to Slacum (Montevideo) January 16, 1833* in Manning 1832 p.184
1671 Fitte 1966 pp.381-382
1672 Pascoe 2022 vol.2 p200

Trott moves away, but continues sealing. [1673]

"Pinedo says Trott told him that an American and a Uruguayan ship had fired at him and had then left for the Magellan Strait, a highly unlikely story (we have found no record of anything comparable). ... sending Pinedo on a wild-goose chase to remove him from the islands for a while, and the result was dramatic. Pinedo sailed to the Strait and spent two weeks on a fruitless search for the offending ships..." [1674]

December 8th, at Port Louis, restored to command, Adjutant Captain Jóse Antonio Gomila is presented with a bill for 2,503 silver French francs by Guérin to cover his expenses. [1675]

On the same day, Gomila reaches an agreement with Capt. Ross for the *Rapid* to remain at Port Louis at 40 Spanish dollars for every day until the *Sarandi* returns. Or, if the *Sarandi* does not return, to convey the garrison back to Buenos Aires for "*one thousand Pounds sterling*". [1676]

December 9th, *Jean-Jacques* sails for Montevideo, taking Mestivier's widow. [1677]

Seven prisoners are placed aboard *Rapid* in irons.

December 11th, in Buenos Aires, *La Gazeta Mercantil* carries a story about the sailing from Rio de Janeiro of HMS *Clio*; headed to the Falklands in order to verify; *"... the occupation of those islands."*

The newspaper expresses its belief that the British Royal Navy are only going to the archipelago in order to recognise the Argentine colony there, and thereafter bring the British government up-to-date.

On the same day, Juan Ramón Balcarce is elected Governor of the Province of Buenos Aires.

December 13th, from Washington DC, Britain's *charge d'affairs* writes to inform Lord Palmerston; *"I learn that the Government of Monte Video have protested in common with the United States against the claim of Buenos Ayres with respect to the right of fishing near the Falkland Islands."* [1678]

December 14th, Bankhead writes again.

> *"I met the Secretary of State at the President's; He mentioned to me that the Government of Buenos Ayres had dispatched a vessel to the Falkland Islands with a view of again occupying them, and reasserting their claim to Sovereignty.*
>
> *The Government of Monte Video, he added, were on the point of sending a vessel to those Islands, disputing the pretensions of Buenos Ayres and claiming their right to the territory in question. ... the Secretary of State enquired whether I had received any communication from His Majesty's Government as to this latter proceeding on the part of Buenos Ayres."* [1679]

December 15th, in Montevideo, *El Universal* reports that *Clio* is intent upon enforcing British sovereignty.

In Buenos Aires, *The British Packet & Argentine News* also carries a report. [1680]

1673 *Sun* took seals up until January 4, 1833, when she sailed for Montevideo.

1674 Pascoe 2020 p.145

1675 The payment order, signed by Gomila in favour of the French Consul-General in Montevideo, was never honoured. Pascoe (2022 vol.2) notes that the payment order, and agreement with Capt. Ross, still present in the Argentine archives during the 1970s, were removed by the military in 1982. Books by Argentine historians prior to the military government refer to a large number of documents that no longer can be found at AGN.

1676 Pascoe 2022 vol.2 pp.202-203.

1677 On arrival at Montevideo, Capt. Guérin submitted a claim for compensation for having to divert his voyage. Not paid.

1678 *Bankhead to Palmerston December 13, 1832* in *FO 97/35/17*

1679 *Bankhead to Palmerston December 14, 1832* in *FO 97/35*

1680 Quoted in Fitte 1966 p.364.

"It is said, according to the letters authority received from Rio de Janeiro, that HMS Clio was about to leave Rio de Janeiro on the 27th last (November) for the Falkland Islands, in order to take "sovereign possession" of those islands in name of His Britannic Majesty. Another report states that the purpose of the Clio's visit to the Falkland Islands is simply to study its present condition, and to report on it."

December 16th, at Rio de Janeiro, Baker orders HMS *Tyne* to Valparaiso via the Falkland Islands.

December 17th, in Buenos Aires, Juan Ramón Balcarce takes over as Governor.

December 18th, from Rio de janeiro, HMS *Tyne* sails in support of HMS *Clio*. [1681]

"At the time I received your Lordships order regarding the sovereignty of the Falkland Islands, the Clio was the only ship in the squadron present. Consequently, I designated her to carry out that service, although, forseeing the possibility of some opposition that could be attempted by residents of Buenos Aires on those islands, I would have preferred a larger ship, in order to more effectively intimidate any interference. Therefore, when the Tyne arrived from England, I hastened her refit and directed Captain Hope, ... to touch at Port Egmont on her way around Cape Horn, to support Captain Onslow if necessary." [1682]

"Onslow and Hope were to reassert British sovereignty, but not to establish it by occupation." [1683]

December 20th, at the British harbour of Port Egmont, Commander Onslow brings *Clio* to anchor. He goes ashore on Saunders Island to inspect the remains of Fort George and Jasons Town.

"(I) found the ruins of our settlement on Saunders Island. The town stood on the south side of a mountain less than 600' high. The settlers had extended their gardens to the westward of this mountain, the remains of which are still perceptible..." [1684]

December 21st, in Washington DC, the House of Representatives calls for all correspondence relative to the fall-out with Buenos Aires to be published. President Jackson defers, arguing that negotiations are not yet complete.

December 22nd, a New York newspaper, *The Editor*, calls Duncan's action at Port Louis in December 1831, *"... a cruel abuse of force and friendship."* [1685]

December 23rd, in the Falkland Islands, on Saunders Island, Onslow notes; *"...(I) repaired what appeared to me to have been Fort George. Whilst in port the Union (flag) was hoisted daily at the fort and I left the following inscription ..."* [1686]

"These Islands have been visited by His Britannic Majesty's ship Clio, for the purpose of exercising the rights of sovereignty.

23rd December, 1832"

1681 Canclini 2014 notes that *Tyne* did not get very far, and there was a further two day delay.
1682 Baker's "*Annual Report*" quoted in Canclini 2014 p.42. Also *PRO ADM 50/188*
1683 Pascoe 2020 p.142
1684 Quoted in Whitington 1840
1685 *The Editor* December 22, 1832 no.223 p.1 cols 2-4 quoted in Caillet-Bois 1982 (6th ed.) p.282
1686 Quoted in *History of the British Colonies* Robert Montgomery Martin 1835. Kay-Shuttleworth 1910 p.360

"A tablet was attached to the Flag Staff bearing an inscription to the effect "That the British Flag had been hoisted on that Island on the 23rd December, 1832 by Capt. Onslow of H.M.'s ship 'Clio' in testimony of the Falkland Islands being Dependencies of the British Dominions."..." [1687]

"On December 20 (Onslow) entered Port Egmont, Saunders Islands; after visiting the ruins of the old British settlement he left, in what he believed to be the old Fort George, a pole with the flag hoisted and with an inscription that read like this: Visited by H. M. S. Clio for the purpose of exercising the Right of Sovereignty over these Islands 23rd December 1832." [1688]

December 26th, near the Magellan Strait, Pinedo abandons his pointless search and sails for Port Louis. [1689]

December 29th, at Port Louis, Adjutant Captain Jóse Antonio Gomila concludes that *Sarandi* is lost and determines to return the garrison to Buenos Aires on *Rapid*.

"By late December Pinedo had been away for over five weeks; Gomila assumed that the Sarandí had been wrecked, so Pinedo was not coming back. Gomila therefore assumed full command and decided to evacuate the entire Argentine garrison to Buenos Aires, and on 29 December, as part of his settling of accounts before they left the islands, he signed a receipt for 29 cows and three hides. That day he made an agreement with Captain Ross of the Rapid: Ross was to take to Buenos Aires not merely the prisoners, who were already aboard, but the whole garrison with their women and children, their weapons and equipment, plus any civilians who wished to go. Ross had abandoned his voyage to help Gomila and the inhabitants of Port Louis, so he was to get £660 sterling for the loss of profits, plus 40 pesos a day for sheltering the people for the first 21 days. Accordingly, the weapons and tools were placed aboard the Rapid in preparation for leaving, and Gomila arranged with Ross that the ship would sail on 31 December 1832." [1690]

During the evening, as the garrison's equipment is being loaded onto *Rapid, Sarandi* enters Berkeley Sound.

December 30th, as *Sarandi* approaches the settlement, Capt. Ross sends a boat with the news of the mutiny.

> *"On the 30th at six o'clock in the morning, two boats came on board, one from the English schooner Rapid, to which I had provided my carpenters for the necessary repairs, and on the other came the Argentine Assistant Gomila armed with a pistol and saber, with two individuals from the island. The news he brought was not good: on the island there had been a mutiny by the troops under his command, they had assassinated Major Mestivier, he had seven prisoners on the English schooner Rapid which was in port for repair work, and the rest of the troops were in disarray. I immediately went to the port, went ashore and actually found everything in disorder and neglect and the accomplices of the mutiny in full looting."* [1691]
>
> *"... a mutiny had taken place whilst he was at Sea, amongst the soldiers, they had killed their commander, and were in a state of great insubordination, so much so, that the settlers were afraid to pursue their vocations, and all appeared anarchy and confusion."* [1692]

1687 Belford Hinton Wilson's account in *FO 78/1/199*
1688 Caillet-Bois 1982 (6th ed.) p.324
1689 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833
1690 Pascoe 2020 p.145. This agreement replaced that of December 8, 1832, above.
1691 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833. Not true. The mutineers were all in chains aboard *Rapid*. There was no looting at the time Pinedo landed. A little poetic licence, perhaps.
1692 Pinedo quoted in *Onslow to Admiralty – ADM 1/2276*

On his arrival back at the settlement, Lieut. Col. Pinedo takes command of the remains of the garrison; cancelling the evacuation of the garrison to Buenos Aires and requiring the return of garrison equipment from *Rapid*. The prisoners already on the British ship, are left in chains there. Pinedo sets up a court of enquiry, appointing José Antonio Gomila as prosecutor, and 2nd Lt. Listas as Secretary.

> *"I ordered Gomila to pass me an urgent report … As there was no other officer, I had to appoint him the prosecutor for the case and the 19-year-old Second Lieutenant Luciano Listas, secretary."* [1693]

"Gertrudis Sánchez later argued that Pinedo did very little to establish responsibilities, limiting himself to listening without major objections to Gomila's account – whom he kept in office – and to apprehending the murderer and other rioters with the purpose of referring them to Buenos Aires for trial." [1694]

In the north of the Falklands, at the harbour of Port Egmont, having waited the stipulated 10 days for HMS *Tyne*, Onslow determines to investigate Berkeley Sound.

> *"During our stay at Port Egmont the boats were employed to examine into Brett's Harbour, Byron's Sound, Kepple's Sound and as far westward as Point Bay, 60 miles from our anchorage, to search for inhabitants but found none. I was therefore led to believe, with reference to that part of your orders which pointed out the probability of a foreign force being in these islands (if any existed), I should find them in Berkeley Sound, to the eastward. Not having met with the obstructions at Port Egmont mentioned in the 7th and 8th Paragraphs of your orders I did not conceive myself justified in waiting at that Port for H.M. Ship Tyne, as I had been ten days there. I left a sealed bottle at the fort to acquaint Captain Hope that I had sailed for Berkeley Sound…"* [1695]

"At 6.30pm that day, Sunday 30 December, 1832, having spent exactly 10 days waiting for HMS Tyne, as he had been ordered to do if he found no "obstructions", Commander Onslow left Port Egmont again in Clio. Before sailing he left a note in a bottle, as was traditional… to tell Captain Hope of the Tyne where he had gone, then set off, not back to Rio, but eastwards along the north coast of the Falklands towards Port Louis; it was not mentioned in his orders, but his orders suggested he might find a foreign force "at Port Egmont, or in any other Port or Place in the said Islands" so he had a shrewd idea he ought to go there." [1696]

December 31st, at Port Louis, Adjutant Captain Gomila hands over his findings to Lieut. Col. Pinedo.

> *"On the 31st he gave it to me, and having no other Officer I appointed him to be Prosecutor and Second Lieutenant Dn Luciano Listas to be Secretary."* [1697]

"Throughout the day, 31 December, 1832, as the Clio sailed eastwards along the north coast of the islands, Pinedo worked to restore order at Port Louis. Gomila presented his report on the mutiny, but there were sharp protests from the inhabitants, who delivered their own reports on Gomila's conduct…" [1698]

1693 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833

1694 Jiminez, Alioto & Villar 2018 p.48. Gertrudis Sánchez had already left Port Louis aboard *Jean-Jacques.*

1695 *Onslow to Baker January 19, 1833* in *FO 6/500/189.* Also *History of the Colonies of the British Empire* Robert M. Martin 1843 p.142. See November 28, 1832 for Onslow's orders.

1696 Pascoe 2022 vol.2 p.210

1697 Pinedo's Report of January 16, 1833 in *AGN VII 60*. In full in Pascoe 2022 vol.2 Appendix A.28. Pascoe's translation into English p.707

1698 Pascoe 2022 vol.2 p.210

1833 – January 1st, Lieut. Col. Pinedo, realizing that Gomila was complicit in the mutiny, orders his arrest.

> *"On the 1st, I was presented by Listas with accusations of the tricks that Gomila was doing, who apparently took the statements wrong and put what he wanted. Three others supported the accusations and added that he was a criminal character, that while he was in command he favored disorder, that he threatened the troops and fired bullets into the air; that that night he told the troops that he was taking the late Mestivier's wife to the hills, insulting her and letting them steal everything from her; that he forced her to live with him in the same room and celebrated the death of her husband, telling him that all this had happened to him as a barbarian. Indignant I called Gomila on board, I severely rebuked him for his behavior, I made him give me the Mestivier watch that he had stolen from him when he was killed, flaunting and showing the time to his wife at every turn. I left the man arrested..."* [1699]

"Listas, several soldiers, Juan Simon, Enrique Metcalf and others accused Gomila of being an accomplice of the rebels." [1700]

Pinedo adds two more garrison soldiers, accused of molesting Mestivier's body, to those below *Rapid*'s decks. [1701]

In North America, on the same day, Francis Baylies writes two letters to Secretary Edward Livingston; the first - '*Despatch No. 12*'.

> *"In the account of the conference between the undersigned as Charge 'Affaires of the United States and the Provisional Minister of Foreign Affairs Buenos Ayres, as stated by himself, that Minister asserts that he informed me that the Memorial of Luis Vernet addressed to his Government made an integral part of the communication made to me of date August 14 ... Had I supposed that Vernet was the real Minister of Foreign Affairs at Buenos Ayres I should have read his memorial and replied to it. But if my attendants interpreted aright no such assertion was made to me. Nevertheless as that memorial is now avowed by that Government, and has been communicated to this in a printed book, which however I did not obtain possession until yesterday I think it proper to call your attention to some assertions in that Memorial."* [1702]

Baylies takes up the assertion that David Jewett claimed the Falkland Islands in 1820; identifying the piratical acts of both Jewett and Mason and enclosing the court reports from Portugal of 1822.

> *"Such is the vessel and such the officers and crew on which Luis Vernet relies, as having taken formal and legal possession of the Falkland Islands on behalf of the Argentine Republic. If his memorial is to be considered as having been adopted by the Government of Buenos-Ayres as a part of the exposition of their right and title to the Islands then it follows that the Heroine is considered by them as a national vessel and it is equally true that this national vessel of Buenos-Ayres was a common pirate infesting the high seas, and of the same character with those of the Barbary States, and incapable of securing to that nation, by any act, any of those rights which are regarded as legitimate, by nations which respect the usages which form the law amongst civilized people. If on the other hand the assertions of Vernet are to be regarded as the assertions of an individual and not authorised or adopted by the Government of Buenos-Ayres, then it follows that the commander & crew of the Heroine, being pirates, were as much the enemies of Buenos Ayres as of other nations, and surely it is impossible for them to avail themselves of the acts of such, to establish a legitimate title to any territory whatsoever."* [1703]

1699 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833
1700 Caillet-Bois 1982 (6th ed.) p.295
1701 Manuel Delgado and Mariano Gadea.
1702 Manning 1832 from p.167. Also in Fitte 1966 pp.366-371
1703 *Ibid.* p.175. *cf.* 1820, 1821 & 1822

The second letter from Baylies to Livingston is marked '*Private*.'

> *"The document which I have transmitted to you with the despatch 12 was obtained through the intervention of Mr Slacum from John Wyatt Lt. ... Jewitt, Pirate as he is, having a deadly quarrel with the Govt. of Buenos Ayres is on our side, (and) has given Captain Duncan much valuable information respecting the waters of the Rio de la Plata and the best mode of annoying Buenos Ayres in the event of a naval war. He is now in the service of Brazil ...."* [1704]

January 2nd, at Port Louis, around noon, Commander John James Onslow brings *Clio* to anchor. At 3pm, Onslow rows over to the *Sarandi* and is presented to Lieutenant-Colonel José Maria Pinedo.

> *"I... found a settlement under a BA flag, with 25 soldiers and also a national schooner of war under the same flag. I waited upon the commander of the schooner. He informed me he commanded both afloat and ashore. I acquainted him civilly with the object of my mission and requested him to embark his force and haul down his flag on shore, he being in a possession belonging to the Crown of Great Britain. At first he acquiesced provided I would put the same in writing, which I did..."* [1705]
>
> *"At 3 o'clock in the afternoon he arrived accompanied by two officers and without giving further explanations said that he had come to take possession of the Malvinas Islands since they belonged to His Majesty Británica. He came from Rio Janeiro accompanied by another frigate and had a strict order to put up the English Pavilion, to embark our troops together with the other inhabitants, and to load everything that belonged to us to take it to Buenos Ayres.*
>
> *He ordered me to have our flag lowered from the ground the next morning. I could not get out of my astonishment and I refused to fulfill his claims before receiving orders from my Government, since my mission was precisely to bring in the new Argentine authorities. I protested that on his word of honor he would tell me if we were in a state of war with Great Britain. He told me no, that his mission was to continue with the friendship and business of always and that he was surprised that I did not know anything about it. He agreed to send me the communication with the supposed orders given by the Chief of the forces of His British Majesty."* [1706]

"The third British invasion of our soil took place on January 2, 1833, in a remote area by sea, and the invader took advantage of an incontestable naval superiority, which is why it could not be repelled as the previous ones had been. ... The islands were defended by a military garrison and by the aforementioned war schooner Sarandí under Pinedo's command; these forces were insufficient to resist such an unexpected and unjust threat. ... England proceeded in this way, even in the midst of peace, attacking the distant Argentine towns unexpectedly, taking advantage of their weak resistance and the naval inferiority of the Buenos Aires government to provide them with aid." [1707]

"The surprise that the commander of the Sarandí had to experience was, without a doubt, great, despite which he protested immediately against the size of the attack, and ... demanded it be declared if war had broken out between Buenos Aires and England. He was told that, quite the contrary, "friendship and commerce were the same and that it was strange that I did not have orders from my Government, as he believed that this had

---

1704 *Baylies to Livingstone January 1, 1833* quoted in Manning 1925. John Wyatt was a lieutenant on the *Heroina* when she was captured by the Portuguese in 1822.

1705 *Onslow to Baker January 19, 1833.* According to Pinedo's version of events he immediately protested when told.

1706 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833

1707 *La Tercera Invasion Inglesa* A. Gomez Langenheim 1934

already been negotiated between the two Governments" But the Argentine chief did not resign himself to accepting the proposed arrangement,.." [1708]

"One can imagine the surprise of (Pinedo) who, with good logic and perhaps some naivety, asked his colleague if war had been declared between Argentina and Great Britain, receiving the answer that it was not like that and that, on the contrary, friendship and trade continued. the same." [1709]

Onslow returns to *Clio* to put his requirements into writing, after which his note is delivered to Pinedo

> "*I have to acquaint you, I have received directions from his excellency the commander-in-chief of his Britannic Majesty's ships and vessels of war, South American station, in the name of his Britannic Majesty, to exercise the "rights of sovereignty over these islands". It is my intention to hoist, tomorrow morning, the national flag of Great Britain on shore, when I request you will be pleased to haul down your flag on shore, and withdraw your forces, taking with you all stores, &c. belonging to your government. I am, Sir, your most obedient humble servant."* [1710]
>
> *"At 4 in the afternoon I received by an Officer the communication which is now in my possession, in which he informs me that the Malvinas Islands belong to H.M.B., that he had come to take possession of them, that in the morning of the next day at 9 o'clock he was going to raise the Flag on shore, and that I was to withdraw the troops that I had and lower the Argentine flag; those were his orders given by the chief of H.M.B.'s forces in South America. But the moment I received that communication I observed that there was nothing satisfactory in it, nor had I found any consent by my Government."* [1711]

"It is worth highlighting that this action was performed autonomously, since going to Isla Soledad was not among his instructions, which were limited to Port Egmont." [1712]

"Onslow's note contained no ultimatum and mentioned no consequences of non-compliance; his tone was civil enough but undeniably firm." [1713]

Intent upon organising a defence, Lieut. Col. Pinedo goes ashore to review his available forces. Before sunset, he returns to *Sarandi*, summoning his officers and crew.

> *"... at 8 in the evening I called my Officers together and informed them that the English Corvette had come resolved to take possession of the Islands for H.M.B., which I had come to take myself. I said the Islands belonged to the Argentine Republic and that I had no Orders whatever to hand them over, and that my duty was to refuse to consent at all costs, and that they as Englishmen were to give me their word of honour to support the Argentine flag, and thereupon all replied that that was their duty, except the Pilot, acting Lieutenant Don Mateo Bruman (Matthew Brisbane), who stated to me that he was English and that he could not fire on his Flag, and that if he were permitted, he would go ashore."* [1714]

1708 Caillet-Bois 1982 (6th ed.) p.296 & 324

1709 *Crónica de un Infortunio: curiosas circunstancias que rodearon un hecho histórico* Juan Luis Gallardo (2019?) citing *Malvinas: su extraño destino* Enrique Pinedo 1994

1710 *Annual Register* 1833 vol.75 p.374. Also *British & Foreign State Papers 1832-1833* vol.20 1836 p.1197.

1711 Pinedo quoted in Pascoe 2022 vol.2 Appendix A.28 citing *A bordo dela Goleta de Guerra Nacional Sarandý à la Ancla en la Rada interior de Buenos Ayres Eneri 16 de 1833 Año 24 de la livertad y 18 dela Yndependencia / Al Snr. Comandante de Matricula y Capitan del Puerto Coronel Dn Francisco Lynch* in *AGN VII 60.* In this work, for the sake of brevity - *Jose M. de Pinedo a Fransisco Lynch, Buenos Aires January 16, 1833*

1712 Kohen & Rodríguez 2017 p.135. Moot, at best

1713 Pascoe 2022 vol.2 p.214

1714 *Jose M. de Pinedo a Fransisco Lynch, Buenos Aires January 16, 1833*

> *"The drama was that all my crew from the boatswain to the other officers, were English, except 4 sailors and 6 boys, 3 of age 10 to 12 years, of null capacity and 14 men of troops, three English. So it was that I brought them together, making them see what their duty was and what mine was and that the next day they would have to set fire to the English flag and uphold the honor of the flag they served. I asked them, as Englishmen, to speak to me frankly and they all replied to me that they were English and that they belonged to that Navy that they had served, that they could not fire on their flag, that if it were that of another Nation they would die at my orders rather than give way, but that it was very hard for them to fire on the English Pavilion."* [1715]

"Pinedo called all the officers of the sea, that is, boatswain, constables, guardians, helmsmen and gabieros, and after having made present what he said to the officers of war, he demanded that they help him with his efforts for the space of 10 days, that if defeated there was no arrival from Buenos Aires he would abandon everything and go to this destination. They all unanimously replied that they would support him to the last end for this term. At once orders were given to make a fight, and the artillery was loaded with bullet and shrapnel; arms and ammunition were sent to the troops of the garrisons of the island and the colonists, and in all the time of these preparations I can assure you that there was not one who did not willingly attend to perform his part."[1716]

"It is not easy to be able to pinpoint the truth of what happened on board the schooner, because while Pinedo declares that most of his crew was English, Lieutenant Roberto Elliot refutes it in part, since he claims that they were Americans, with the exception of the pilot who was English." [1717]

"Pinedo Lists: First Lieutenant William Mason, Second Lieutenant Robert Elliot, Surgeon General John Clark, Lieutenants Henry Mason, Mathias Brishman (Matthew Brisbane), Richard Dickinson, James Briant, William Fleming, John Smith and Edward Jones among others. With the aggravating factor that the majority of the sailors were also British." [1718]

"Pinedo's first thought was to resist, but he soon saw it would be impossible – the Clio was much more heavily armed, with 18 guns (sixteen 32-pounders and two 6-pounders) against the Sarandí's 9 guns (one 16-pounder, two 12-pounders, two 8-pounders and four short carronades), and many of his own crew were British (only one officer apart from himself was a South American); for British subjects to fire on a British warship would of course have been treason. … Pinedo released Gomila and gave him arms for the troops, and gave the capataz Juan Simon arms for the eight men he said he could command." [1719]

At 10pm, Pinedo sends a "*deputation*" consisting of Capt. Mason, the surgeon, John Clark and the pilot Matthew Brisbane. However, as Onslow is asleep, *Clio*'s the deck officer declines to allow them on board.

> *"At 10 o'clock at night I sent Captain Mason and the doctor to protest to the commander that I could not allow him to take possession of the Falkland Islands until I received orders from my government, and that if he wanted to do it by force I would resist at all costs, that that was my duty. The Commander was sleeping and did not receive them."* [1720]

1715 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833. With no great maritime history in South America, it was common to find English sailors among the crews.

1716 Lt. Roberto Eliot quoted in Caillet-Bois 1982 (6th ed.) p.326 citing *La Gaceta Mercantil* February 14, 1833 no.2918 p.2. Caillet-Bois notes; "*The information provided by Pinedo differs completely, …*"

1717 Caillet-Bois 1982 (6th ed.) p.326. The pilot, Matthew Brisbane, was Scottish.

1718 Gallardo 2019

1719 Pascoe 2020 p.147

1720 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833

"Pinedo's position was awkward; he was aggrieved to be told to leave, but he actually wanted to leave anyway – if the Clio had not arrived he would have sailed in a few days to take the mutinous members of the garrison to Buenos Aires for trial. At first he decided to request a face-saving exercise; he would ask Commandeer Onslow to delay raising the British flag until he himself had left in the Sarandi. That would allow him to claim later that he had left the Argentine flag flying. That was the message he sent..." [1721]

January 3rd, before the sun, Pinedo releases Adjutant Gomila and sends him ashore to organise a defence.

> *"...giving him the arms and ammunition of the troops and telling him to go ashore and arm them, and I called the Capataz of the gauchos aboard, who came and told me that he had only eight men, and those without Arms or ammunition. I gave him Arms for them and ordered him ashore to ensure that they should be ready in the Houses, and I would give them Orders the next day. I prepared and armed my troops aboard the ship, loaded the Artillery with ball and grapeshot, which was done, but with my Crew in complete silence ..."* [1722]

At dawn, Pinedo decides to call upon Onslow.

> *"In total on board and ashore I had 44 men. With them I had to face the English corvette, with an artillery three times greater in number and caliber than mine and triple the number of men. I didn't even have an officer to take over on the ground. For worse, my government's instructions expressly forbade me to fire on any foreign vessel, only to have to defend myself when attacked. This situation forced me to go aboard the English ship to repeat the same arguments to the Commander and to indicate to him that as long as no orders came from my government, I could not consent to any act that would violate the objective of my mission. The Commander repeated to me that he had not been at war, that friendship and commerce continued as usual but that his orders were clear. Put the English flag on His Majesty's land,.."* [1723]

> *"... at 5am he visited me to request me to allow the BA flag to be kept flying on shore till Saturday, the 5th, when he would finally sail taking with him the force and such settlers as expressed a desire to leave the island. I told him his request was inadmissible and that he must consider he was in a port belonging to Great Britain."* [1724]

"Pinedo immediately withdrew, declaring Great Britain responsible for the insult, and the violation of the dignity of the Republic and of its rights, which were thus inconsistently and disrespectfully trampled on by force; that he was going to withdraw, but that he would not strike the flag on the shore." [1725]

"The next morning, Pinedo repeated his attempt to save face,.. but again without success. He had only two options: to surrender or prepare for a gunfight." [1726]

Rebuffed, Lieut. Col. Pinedo returns to the *Sarandi*.

> *"Seeing that all possibility of settlement was lost, I decided to embark the 16 soldiers who were on land in case the ship had to be defended .., ordering that no Argentine flag be lowered."* [1727]

1721 Pascoe 2022 vol.2 p.215. Pascoe notes that Pinedo did not subsequently report this, but the information formed part of the testimony at Pinedo's subsequent trial (*AGN VII, 60 fols 34-35*).
1722 *Jose M. de Pinedo a Fransisco Lynch, Buenos Aires January 16, 1833*
1723 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833
1724 Onslow's report in *CO 78/1.* Also quoted in Whitington 1840
1725 *Annual Register* 1833 p.373
1726 Pascoe 2022 vol.2 p.216
1727 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833

> *"I had the Argentine flag hoisted on shore, at the same time commanding that it should not be lowered by any orders whatever, and charged the Capataz of the Islands, D. Juan Simon, with that task, whom I authorised by a document which I gave him, nominating him political and military Commandant of the Malvinas Islands,..."* [1728]

"... conferring the command of the establishment, in writing, on the overseer of the establishment, Don Juan Simon, who was going to remain, with some others." [1729]

"Buenos Aires was obviously short of candidates for the post. Simon was illiterate and quite unfit to run the colony..." [1730]

"It was now about 7am on 3 January 1833; Pinedo took on board the soldiers to defend the ship, ordered the Argentine flag raised ashore as a last gesture of defiance, and watched to see what the British would do." [1731]

Seeing that the Argentine flag is flying at Port Louis, Onslow decides to act.

> *"Finding he (Pinedo) wavered, and was reluctant to strike the flag, I immediately landed, hoisted the Union and caused (the Argentine flag) to be lowered, sending it with a civil message to the schooner."*[1732]

> *"At 9 o'clock in the morning, three boats of the English corvette with 18 soldiers disembarked at the tip of the port of San Luis, some of the commander and some officers, and, next to an English house, they put up a masthead and raised their flag. At the Casa Comandancia, about four blocks away was our flag hoisted. An officer and a soldier went there, they lowered it,.."* [1733]

"Without appreciable resistance, the British disembarked on the morning of Thursday, January 3, 1833, and since Pinedo showed no intention of complying with the requirement, they themselves raised their flag and withdrew that of the United Provinces, which was formally delivered." [1734]

Argentina's flag is returned to *Sarandi*, with a message that Onslow had found, "*a foreign flag in the territory of His Majesty.*" [1735]

> *"... an officer came to my board giving me the flag. I knew that my position was indefensible and my crew can say that, had I fought the Clio, in no time the Sarandi would have gone under. With my throat closed, still not understanding the true situation that in an unusual way and in solitude I had been the protagonist, I made my last protest to the English Captain about the possession of the Island. He replied that if I did fire, he would protest the peace that there was between our Nations, ..."* [1736]

1728 *Jose M. de Pinedo a Fransisco Lynch, Buenos Aires January 16, 1833*.
1729 *Annual Register 1833 p.373.*
1730 Peña & Peña 2018. Despite Juan Simon having done just that since the departure of the *Lexington* 12 months before.
1731 Pascoe 2022 vol.2 p.217
1732 Onslow quoted in *CO 78/1*
1733 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833
1734 Jiminez, Alioto & Villar 2018 p.48
1735 Reynolds 1835 p.513
1736 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833

Lieut. Colonel Pinedo decides not to offer any further resistance.

> *"Powerless and having to ensure in any case the state of my crew and civilians, I resolved to embark the families, troops, and laborers who chose to return to Buenos Ayres."* [1737]

> *"Comandante Pinedo affirms ... that the Sarandí was in such a position that it could not maneuver. It is evident not only to those who have been at the point in question, but to those who consult the geographical chart, that the Clio's artillery could only by chance harm the Sarandi, assuming that its artillery is 18 carronades of 24 and not cannons. To take the Sarandi by board(ing) (Onslow) would have been a fool to try, for the Clio had only 80 men on board and not 150, and the commander of the Sarandi had at least an equal number and not 14 soldiers and six boys as he assures: and finally, if he had thought seriously to defend himself even cavalry could have formed. The Sarandi in the position it occupied had the advantage of that of the Clio, and its pieces are 8 long, and not small as Mr. Pinedo says, but double the reach than those of the Clio. ..."* [1738]

"Pinedo's chances to offer resistance were non-existent. ARA Sarandi was very inferior to the British warship in firepower. The absence of coastal batteries in Port Louis made the colony entirely dependent on the eight 8 pounders of the Argentine schooner, while HMS Clio was armed with sixteen 32 pounders and two 6 pounders." [1739]

Pinedo informs the settlers that he will take off any of them that wish to go, although the British Commander has assured him that anyone wishing to remain could do so and that their property would be respected. Most stay.

"Pinedo told the people that anyone who wished to go to Bs Ays., he would take him, he took some gauchos." [1740]

"The civilian population, who had previously sought and received British permission to reside on the Islands, was encouraged to remain. The large majority voluntarily chose to do so." [1741]

"During Pinedo's trial in Buenos Aires, ... a creole named Manuel González, accused the foreman Juan Simon (a Frenchman who remained...) of not allowing some to embark on the Sarandi because they had gambling debts with him. "He wanted them to pay him the money they owed him first, while he allowed those who owed their boss (Vernet) to embark freely". ... this was confirmed by a certain José Báez, who reported that "they played a lot of cards, together with the foreman (Simon) to whom they owed the result of this: they were not allowed to come in Sarandi"." [1742]

"At some time in the few days between the arrival of the Clio and the departure of the Sarandi, three people who had arrived in the Sarandi decided to remain behind. Two of them were members of her crew: the Englishman Charles Brasier and the American William Drake, both of them seamen who had been in the Falklands in 1831 and had crewed the Harriet in October and November of that year, and had sailed in her with Vernet when he left the islands on 7 November 1831. ... The third person was a woman who was to remain in the islands for the remaining 37 years of her life and became locally famous – Antonina Roxa." [1743]

1737 *Ibid.*

1738 Lt. Roberto Eliot quoted in Caillet-Bois 1982 (6th ed.) p.326 fn.4 citing *La Gaceta Mercantil* February 14, 1833 p.2.

1739 Peña & Peña 2018

1740 *Jean Simon to Luis Vernet April 2, 1833*; dictated to Ventura Pasos in *AGN VII 130 doc. 62 folio 1 recto.* See also *El Episodio Ocurrido en Puerto de la Soledad de Malvinas el 26 de Agosto de 1833: Testimonios Documentales* Ricardo Rodolfo Caillet-Bois & Humberto F. Burzio 1967 pp.122-128. The '*gauchos*' were couples - Joaquín and Juana Acuña; Matthew and Marica González.

1741 British Government response dated May 28, 2013 to an Argentine letter of April 9, 2013 in *UN Document A/67/880*

1742 Canclini 2014

1743 Pascoe 2022 vol.2 p.218. The status of Brasier and Drake is presumed rather than certain.

From Buenos Aires, on the same day, Philip Gore writes to Capt. Blanckley (HMS *Pylades*) in Montevideo.

> *"I have stated to you my opinion, that the presence of Your Ship at Buenos Ayres might be expedient at this moment. I am however particularly anxious, that you should not be the bearer of any communication that Captain Onslow of H.M. Clio may have to make to H.M's Mission here. If, therefore, you are unable to proceed hither before any account of the Clio shall have been received at Monte-Video, I venture to suggest my wish that you would, in such case, postpone your visit to this Port, until some few days shall have elapsed after the Clio has reached Montevideo. My object is to have a Ship of War here somewhere about the present time; but I wish to avoid as much as possible, the notion, that there should be any thing, simultaneous or Combined, in the movement of the two Ships,- in that your coming here should have any relation to the proceedings of the Clio. I shall have a better opportunity of explaining my reasons to you upon this point, when I have the pleasure of seeing you here. You will further oblige me by considering the contents of this, and of my public letter, as strictly 'secret and Confidential', and not to be Communicated to H.M's Consul General at Montevideo.*
>
> *PS. Your coming to Buenos Ayres will always appear (unreadable) natural thing; the mere visit to a Port of the Station under your Command.- I hope you will put your coming here simply in that light."*[1744]

January 4th, at Port Louis, Pinedo finalizes his preparations for departure.

"Pinedo spent the day completing his water supply, collecting some Argentine government property and embarking the possessions of the garrison, plus their women and children and any inhabitants who wished to leave." [1745]

In the late afternoon, with everything loaded, *Sarandi* sails away from Port Louis.

> *"Friday 4th AM Moderate and fine... Received by purchase Two Hundred and Sixty five Ibs of Fresh Beef... Exercised Great Guns and Small Arms with 36 rounds of Shot and 28 rounds of Musket Ball Cartridge … PM Moderate breezes and fine … 6 sailed the Sarandi Schooner."* [1746]

"If the expedition of the Clio had been confined to the West Island (Port Egmont), in that case it could perhaps be said that His Majesty's government had reinstated itself in the status quo that the old convention left behind. He went to Isla del Este, Puerto de la Soledad, which was never English, he demanded the immediate evacuation of the garrison and citizens of another State, ... (that) precisely reverses the positions recognized in 1771, he transfers to the British flag a territory in which he had never set foot on." [1747]

"J. M. de Pinedo's mission was over. He had no choice but to accommodate on board the ship all those who wished to be repatriated, and this was what he did. He then completed his task with a collection of tools, and on January 4, at four in the afternoon, he hoisted sails, sliding out to sea, from where he would put prow towards Buenos Aires." [1748]

1744 *Gore to Blanckley January 3, 1833* in *FO 118/31/22*. Original emphasis. *Pylades* was on a general mission against illegal slaving. This letter is proof that Gore had received the letter from Admiral Baker regarding Onslow's mission (see November 30, above). Gore clearly recognised that Onslow was likely to make his position uncomfortable. *Pylades* was reported as still at the Rio de la Plata on March 17, 1833 (*Brighton Gazette* August 29, 1833).

1745 Pascoe 2020 p.148

1746 *Clio*'s log quoted in Pascoe 2022 vol.2 p.218. Pinedo gave the date as the 5th. This would be 'sea-time' where the day/date changed at noon. A practice abandoned by the British navy in 1803. Firearms practice was a nice touch.

1747 Areco 1885 p.70. Convention being a reference to 1771. See Vol.1

1748 Caillet-Bois 1982 (6th ed.) p.328

"(To) say that force cannot give a good legal title is to divorce international law from the actual practice of nations in all known periods in history." [1749]

"... this incident is not the British forcible ejection of Argentine settlers that has become the myth in Argentina. ... The myth of the British use of force in 1833 is much more persistent than the memory of the more violent US raid in 1831." [1750]

"In the nineteenth century, it was inevitable that international law should allow states to acquire territory by conquest, because at that time customary international law imposed no limit on the right of states to go to war."[1751]

"It would appear that conquest formed the original basis of title, irrespective of the British employment of other principles. This, coupled with the widespread recognition by the international community, including the United Nations, of the status of the territory as a British Colony would appear to resolve the legal issues, although the matter is not uncontroversial." [1752]

"... Britain expelled only the violent recently arrived Argentine garrison who had murdered their commanding officer and traumatised the civilian population." [1753]

"... a fact or situation must be legally assessed based on the law in force at the time it was produced. ... until the nineteenth century (sic) it was possible to acquire territorial sovereignty through a lawful use of force..." [1754]

"What happened in 1833? When the usurpation took place, there was no Argentine population on the island."[1755]

From the western islands, *Sun* (Capt. Trott) sets sail for Montevideo with a cargo of seal skins and a complaint for any US authority that can be found.

January 5th, at Port Louis, with *Rapid* preparing to depart, Juan Simon and Henry Metcalf speak to commander Onslow on board *Clio*. Onslow tells them that they should continue to work for Luis Vernet, as before, and that nothing had changed from that perspective. [1756]

As an incentive, Onslow pays the gauchos' outstanding wages in silver.

> *"I had great trouble to persuade 12 of the Gauchos to remain on the Settlement, otherwise cattle could not have been caught, and the advantages of refreshments to the shipping must have ceased."* [1757]

"Vernet's settlers had permission to return to Buenos Aires or remain, as they thought fit; with an understanding that all future payments should be made in Spanish Dollars, and that Vernet's store was no

---

1749 *Conquest: A Legal and Historical Analysis of the Root of United Kingdom Title in the Falkland Islands* J. M. Lindsey 1983 in *Texas International Law Journal* 18 (Winter 1983) p.30.

1750 Gustafson 1988 p.26

1751 *Akehursts Modern Introduction to International Law* Prof. Peter Malanczuk 1997 7th edition

1752 *International Law* Malcolm M. Shaw 2017 8th edition.

1753 *Argentine book debunking Argentine Falklands myths* Graham Pascoe & Peter Pepper 2019 in *Penguin News* May 17, 2019.

1754 *Research Handbook on Territorial Disputes in International Law* M. Kohen & W. Hébié (eds) 2018 p.31. Until the 20th century would be more accurate, however Marcelo Kohen, an ardent Argentine nationalist, would have wished to avoid that particular conclusion. As can be seen from two world wars, acquisition by force existed until 1945 when the UN Charter removed force as an option. Theoretically, at least.

1755 *Malvinas, tierra irredenta* Luis Roberto Almero 2023 in *Seul* June 11, 2023.

1756 *Simon to Vernet April 2, 1833* in *AGN VII 130 doc.62, f.2* quoted in Pascoe 2022 vol.2 p.220

1757 *ADM 1/2276*

longer a monopoly. Eight gauchos and some Indians remained, under Juan Simon, to carry on Vernet's business, and William Dixon (sic), an Irishman who acted as Vernet's Storekeeper,.." [1758]

"Onslow said work should go on as usual – he was fulfilling Baker's order that if he found any "Foreigners" in the islands, he was "not to disturb them in their agricultural or other inoffensive employments"." [1759]

"No civilian population was expelled from the Falkland Islands on 3 January 1833. An Argentine military garrison had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, were encouraged to remain. The majority voluntarily chose to do so. In 1833, the territorial borders of the Republic of Argentina did not include the geographical southern half of its present form, nor any territory in the Falkland Islands, Antarctica, or South Georgia and the South Sandwich Islands. The land that now forms the Argentine province of Tierra del Fuego, of which the Republic of Argentina purportedly claims the Falkland Islands forms a part, did not itself form part of the Republic of Argentina until approximately half a century after 1833, by which time the current Falkland Islands people had lived and raised two generations on the Islands. British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina even existed." [1760]

Arriving in the harbour of Port Egmont, HMS *Tyne* anchors. Sending a boat's crew out to find Fort George. However, the ship is forced away by bad weather. The boats crew discover American sealer *Courier* (Burnham).

From the Falkland Islands, *Rapid* follows *Sarandi*, taking away the seven prisoners held since their capture. Also two of Vernet's employees, Ventura Pasos and Henry Metcalf, together with three other seamen, described as '*foreigners,*' – José Viel, Juan Quedy and Francisco Ferreyra. [1761]

"In early January 1833, crew members from HMS Clio landed to proclaim British authority. Soon afterwards, nearly all Vernet's colonists embarked for the mainland." [1762]

In Buenos Aires, Jorge Pacheco dies at the age of 73, his debts to Luis Vernet unsettled. [1763]

January 6th, at Port Louis, two of *Clio*'s crew are lashed for stealing spirits from a house in the settlement.

January 7th, Onslow summons all the remaining residents to a meeting at Vernet's house. Onslow records[1764] the presence of 18 men (12 gauchos[1765] + 5 settlers[1766] + 1 sailor[1767]).

1758 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835 ADM 1/43.* The Irish storekeeper's name was Dickson.

1759 Pascoe 2020 p.148

1760 *Annex to the letter dated 14 January 2021 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General. UN Document A/75/720*

1761 Pasos and Metcalf had arrived with the garrison just a few months before. Pasos carried the news of the British action to Vernet. While Metcalf went to retrieve more than 2,000 pesos that Vernet owed him (Simon not having allowed him to take goods from the store). Metcalf, ex-part owner of *Belleville*, in the Islands since 1830, never returned.

1762 Rock 2018 p.89. Clearly, not the case.

1763 Pacheco's last will and testament acknowledged a debt to Vernet of 7,000 silver pesos. *cf.* 1823 & 1824

1764 *ADM 1/2276*

1765 Antonio Rivero, Jose Luna, Santiago Lopez, Manuel Coronel, Piedro Fermyn, Luciano Flores, Manuel Galon (Godoy), Phillip Phillipes (Salazar), Lataro St. Juan (Latorre), Faustino Martinez, Piedro Allecio (Salinas) and Pascual Diez. Canclini (2014 p.105) notes that Antonio Rivero had been in the Islands for two years.

1766 William Dickson (merchant), Juan Simon (capataz), Benjamin Pearson (carpenter), Antonio Werner (Vaihinger – farmer) and Charles Kussler (tailor).

1767 William Jones

Also present, but unrecorded, are three women and a child. [1768]

> *"... in the event of there being also at that port any foreign persons, occupied in peaceable pursuits, you will explain to them the relation in which they are to continue to hold themselves to the crown of Great Britain, whilst they remain in the British settlement of the Falkland Islands;.."* [1769]

Unrecorded, temporary residents, also at or near Port Louis, include nine men (sealers) from *Unicorn.*

"Commander Onslow allowed the rest of the inhabitants to remain – ... of various nations, under the full understanding that they were to consider themselves residing in a possession of His Britannic Majesty;.." [1770]

After recording the names, ages, nationalities and occupations of the settlers, Onslow reluctantly appoints William Dickson, the settlement's Irish storekeeper, as the British representative on the Islands; *"I did not think Mr. Dickson of sufficient consequence to be placed in a responsible situation, but I had no alternative."*

> *"... you will charge the most respectable British subject in the place, if there be one, to preserve the British flag, and to keep it duly hoisted;.."* [1771]

Dickson's instructions are to fly the flag on Sundays or whenever a foreign vessel arrives at the port; *"... and to acquaint the Commanders of His Majesty's vessels of war, who might touch at Port Louis, with all acts of insubordination in the Colony."* [1772]

"William Dickson, left in charge of the British Flag, acknowledged to me, that he was there as joint agent with the Frenchman who had the Gauchos under him for Colonel Vernet the Buenos Ayrean Governor,..." [1773]

"... your Memorialist considered these proceedings on the part of Capt. Onslow, as a tacit acknowledgement of the same individual rights to the Lands and Cattle of this East Falkland Island, which he enjoyed previously to the change of Government, and as the natural consequence of his having "de facto" resigned his appointment of Governor, and placed himself, as soon as he received information of the view of the British Government, under the protection of the British Crown." [1774]

Commander Onslow then listens to the complaints of the gauchos regarding their conditions and having to work for paper tokens issued by Vernet's managers. Onslow agrees with them that, if Vernet has not sent a representative within four months, then they should work for themselves. In the meantime, Jean (Juan) Simon is to pay them in gold or silver. Simon accepts that if Vernet has not sent a representative to Port Louis within the stipulated four months, he will travel to Buenos Aires with anything that belongs to Vernet.

The settlers also ask Onslow for grants of land from the British Government. [1775]

1768 Carmelita (slave), Gregoria Madrid (slave) and Antonina Roxa (arrived on *Sarandi* as the 'wife' of a garrison member). The child was Jose Simon (son of Carmelita and Jean Simon). Other reports suggest that Carmelita had two children at this time. Full list taken by Onslow in Pascoe 2020 p.149.

1769 Extract from Onslow's instructions from Rear-Admiral Baker issued on November 28, 1832. *PRO FO 6/500/181*

1770 *Hope to Townsend January 21, 1832 ADM I/41*

1771 Extract from Onslow's instructions from Rear-Admiral Baker issued on November 28, 1832. *PRO FO 6/500/181*

1772 *PRO 6/500/123*

1773 *Hope to Townsend January 21, 1832 ADM I/41*

1774 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43.* Original emphasis. Some wheedling going on there.

1775 No response noted.

January 9th, whilst preparing to sail, Commander Onslow issues the storekeeper Dickson with a Union Jack and 150' of rope for a "*signal hallyard (sic)*".

Some of the gauchos start to discuss the possibility of working the cattle on their own behalf.

"Two days after this gathering of the people I came across Pedro Salinas talking to the commander, and Salinas told the commander that he wanted to share out the horses among all the gauchos, and the cattle they had tamed too. ... And once I knew that, I disturbed the commander and asked him to take me to Bs Ays, with all the produce, where You were, and I also said that he should not have given the gauchos the order that he had given them. Then the commander answered that it was now too late, that he would come ashore in the morning and would arrange that with us all. And I told him I would come about that and would give him two letters to pass on to you." [1776]

Illiterate, Juan Simon dictates letters for Luis Vernet. [1777]

> *"The gauchos said in my presence that they would not work any more for you or on your account..."* [1778]

January 10th, at 5.30am, before any letters can be handed over, HMS *Clio* sails from Port Louis. Taking away William Drake, ('*undesirable*') and Charles Brazier ('*distressed*'). [1779]

"For Juan Simon it was a disaster that the Clio had left without the two vital letters. The mood of some of the gauchos was getting ugly, and he urgently needed to inform Louis Vernet of their growing unrest. He would in any case be left to handle them on his own, but if the letters had gone aboard the Clio the gauchos would at least have known that he had informed Vernet of their feelings. But Onslow let him down..." [1780]

On the same day, having survived the storm, Capt. Charles Hope in HMS *Tyne* returns to the harbour of Port Egmont; *"... and immediately saluted with one and twenty guns, the British flag, which was displayed in a conspicuous way on Saunders Island."* [1781]

> *"I found the British colours hoisted at the ruins of the old settlement, and a letter sealed up in a bottle addressed to me from Commander Onslow to acquaint me that he had not been able to discover any of the Buenos Ayreans, or indeed a living soul of any description in or about the West Falkland Island, though he had sent Boats away in Search of them to the distance of 60 miles from the Port; after having hoisted the British flag there, he proceeded on the 29th ult. to Port Louis in Berkeley Sound, East Falkland, as he justly remarked in his letter he conceived that, that was the most likely place to find them...."* [1782]
>
> *"As soon as circumstances admitted, I proceeded on shore, to examine the island (Saunders's),... The houses, or rather huts, with the walls in ruined heaps, amounting to about a dozen in number, are placed in two rows behind each other fronting the boat harbour. None of the rooms exceed twelve feet in diameter, the walls being of slate-stone cemented with clay, one of a rather superior construction,*

1776 *Simon to Vernet April 2, 1833* in *AGN VII 130 doc.62, f.2* quoted in Pascoe 2022 vol.2 p.226

1777 One letter appears to have been written down by Ventura Pasos on January 5, 1833 but, for reasons unknown, remained at the settlement when Pasos departed on *Rapid*. Another, written by Dickson.

1778 See March 26, 1833 below.

1779 Both had sailed with Mestivier and Pinedo on September 23, 1832. Apparently as crew. *Clio*'s muster book notes that Drake, an American citizen, was '*given up*' to the US Consul in Montevideo on January 20, 1833. Brazier was put ashore at Rio de Janeiro on February 22, 1833.

1780 Pascoe 2022 vol.2 p.226. Apparently, watching Onslow sail away, Simon tore the letters up.

1781 *FO 78/1/199.* See January 5, 1833, above.

1782 *Hope to Townsend January 21, 1832 ADM I/41*

with sunken brick floor, denoting the residence of the governor. The soil around is of the dark, loose, peaty quality, … with the usual clay substratum, … only a few small patches adjoining the village seem to have been brought into cultivation…" [1783]

"At Port Egmont, Captain Hope, next to the inscription left by Onslow, placed another with the following legend: "S. M. Tyne's ship anchored at Port Egmont, West Falkland on 10th January, 1833 and greeted the British flag with twenty-one cannon." [1784]

January 11th, in Berkeley Sound, a French whaler, *Magellan* (le Dilley), taking on water, drags her anchor and runs aground; *"She had so damaged her bottom, that saving her was now impossible;…"* [1785]

January 12th, from the harbour of Port Egmont, HMS *Tyne* sails for Port Louis.

"… as I considered it essential to follow the Clio, I proceeded to Berkeley Sound…" [1786]

"Captain Hope, not finding as he had been led to expect, any Buenos Ayrean, or indeed any settlement at Port Egmont, determined to follow HM Ship 'Clio' to Port Louis, Berkeley Sound, East Falkland, whither Captain Onslow (in a letter found in a bottle near the Flag Staff at Port Egmont) informed Captain Hope he intended to proceed." [1787]

At Tierra del Fuego, sealer *Transport* (Nehemiah Bray) is wrecked. [1788]

January 14th, in London, Woodbine Parish, gives a reading to the *Royal Geographical Society*.

"The claims of Great Britain to the Falkland islands having been lately renewed, the following account of the Eastern Island may not be uninteresting. It was drawn up for me during my late residence in South America by Mr. Vernet, who formed a settlement and resided there for several years under an authority from the Government of Buenos Aires. It will be recollected that the British settlement, which was forcibly broken up by the Spaniards in 1770, and subsequently restored, was at Port Egmont, on the Western Island." [1789]

Using information provided by Luis Vernet, Parish also informs the Society that 89 British, American and French vessels visited the Islands for the whale and seal fisheries, between 1826 and 1831.

"Having been British consul-general in Buenos Aires for six formative years in the history of Argentina, 1824 to 1832, he had become something of an expert on South America. He was not, however, an expert on the Falklands which he had never visited…." [1790]

At Port Louis, on the same day, HMS *Tyne anchors*; *"… where the waving of the British flag showed the Clio had preceded us."* [1791]

1783 *The Athenaeum* July 20 & 27 1833. The author, presumably an officer aboard HMS *Tyne*, was not named by the journal. Jason's Town, as the "*village*" was named in 1766, was supposedly razed to the ground by a Spanish ship in 1780. *cf.* 1766, 1776 & 1780 in Vol.1

1784 Caillet-Bois 1982 (6th ed.) p.329

1785 *The Athenaeum* 1833 p.497

1786 *Hope to Townsend January 21, 1832 ADM I/41*

1787 *FO 78/1/199*

1788 See March 22, 1833, below.

1789 *Account of East Falkland Island* Woodbine Parish 1833 in *Journal of the Royal Geographical Society of London* vol.3 (1833) 1834 pp.94-99. See - https://archive.org/details/jstor-1797599/page/n3/mode/2up

1790 Pascoe 2022 vol.2 243. Parish was, however, fully aware of the history and geography of the Islands. *cf.* 1820

1791 Quoted in *The Athenaeum* July 20 & 27 1833

"Captain Hope was disappointed in not finding any letter from Captain Onslow, detailing his proceedings at Port Louis, and a suspicion was consequently raised that an Irishman to whose care Captain Onslow at his departure had commended charge of the British Flag, had retained the letter, but no opportunity occurred for ascertaining the truth of this surmise." [1792]

January 15th, at Buenos Aires, during the early evening, *Sarandi* and *Rapid* anchor in the port. [1793]

> *"As soon as I arrived, I was placed under arrest and submitted to the War Council of officers."* [1794]

"The Buenos Ayres schooner of war Sarandi, from the Falkland Islands, having on board the garrison of the said islands, which had been sent from thence, arrived at this port on the 15th, and brings intelligence that on the 3d his Majesty's ship Clio had taken sovereign possession of them in the name of his Britannic Majesty. This occurrence has caused a great deal of excitement in Buenos Ayres; the natives declare it to be a more vile proceeding than that of the American corvette Lexington, because they looked upon Great Britain and their kind and sincere friend, and as a protector, rather than a destroyer. Some of the natives acquainted with English politics, say, that the act was worthy of the Whig administration, and that the Tories would have had too much dignity and honour to have lent themselves to such a transaction; others advise retaliation, and that the treaty with England be annulled. The Americans here chuckle a great deal at it, because it has shifted all the odium from their shoulders to those of John Bull." [1795]

"... the national schooner-of-war Sarandi anchored in the interior harbor of the Port of Buenos Aires, and on the 16th, an extensive and detailed report was placed in the Governor's (hands) of the events that occurred in Puerto Luis." [1796]

January 16th, at Montevideo, *Sun* (Joseph Trott) arrives in the port, near where the USS *Lexington* is moored in the River Plate. Trott informs the American warship's commander, Capt. Isaac McKeever, of the threats made by Pinedo in December, 1832. Unaware that the *Sarandi* had sailed past Montevideo the day before, McKeever promptly writes to Levi Woodbury in Washington to say that he intends to take the *Lexington* back to the Falkland Islands in order to protect American interests. [1797]

Capt. McKeever also informs the Secretary of the US Legation in Montevideo, John Medenhall, who pens a letter to the US Consulate in Buenos Aires; addressed to long departed George Slacum. [1798]

> *"In consequence of the above information, Capt. McKeever is preparing to set sail immediately for the Islands, to give the necessary protection to our Countrymen, thus again interrupted in the exercise of their just rights, and in doing which effectually he conceives he may be even under the necessity of capturing the Sarandi. ... At the suggestion of Capt. McKeever the Sun will return directly to the fisheries and continue her occupation, disregarding these unjust and illegal warnings and prohibitions."* [1799]

1792 *FO 78/1/204*

1793 *Gore to Palmerston January 17, 1833* in *CO 78/1/229*

1794 Pinedo's Report to the *Consejo Superior de las Fuerzas Armadas*, 1833. Pinedo was still on board *Sarandi* on the 16th.

1795 Letter quoted in the *London Evening Standard* Monday April 22, 1833. No author cited, but the letter was apparently posted up in the North & South American Coffee House. A place of resort for merchants in London.

1796 Caillet-Bois 1982 p.330

1797 *McKeever to Woodbury January 16 January 16, 1833* in *US Archives Naval Record Group 45*, microfilm 18, Doc. 20

1798 Seemingly unaware that Slacum had departed Buenos Aires on the USS *Warren* some four months before? This seems unlikely. Someone was obviously collecting the post in Buenos Aires, as this letter reached Slacum at Alexandria, Virginia on July 13, 1833. A matter of form, perhaps.

1799 *Medenhall to Slacum January 16, 1833* in Manning 1832 p.184 fn.1. Forwarded to the US Secretary of State, Louis McLane, by Slacum on the day of receipt - July 13, 1833

"McKeever ... began writing a despatch to US Navy Secretary Levi Woodbury, informing him of his intentions, but before he could finish it he received a message that the previous day the Sarandí had sailed past Montevideo up the River Plate towards Buenos Aires, and was thus no longer in the Falklands, so he cancelled his trip..." [1800]

At Buenos Aires, *La Gaceta Mercantil* reports briefly on the British action and military regulations which, according to its editorial, obliges commanders to yield only to the; *" .. cannons of reason."*

"According to journalism reports (La Gaceta Mercantil, El Federal & El Lucero) the public reaction was very strong. The Balcarce government sent notes to all the Provinces, which were responded to, as well as to neighbouring countries." [1801]

For the port authorities, Commander José Pinedo records the names of those transported from Port Louis. [1802]

Capitan: D. Juan Antonio Gomila

Batallion de Artilleria: Cabo 1°: Miguel Hernandez y su mujer Maria Romero. Soldados: José Barrera; José Gómez; Manuel Francisco Fernández; Toribio Montesuma

Batallion de Rio de la Plata: Sargento: Santiago Almandos. Soldados: José Soto; José Rodríguez

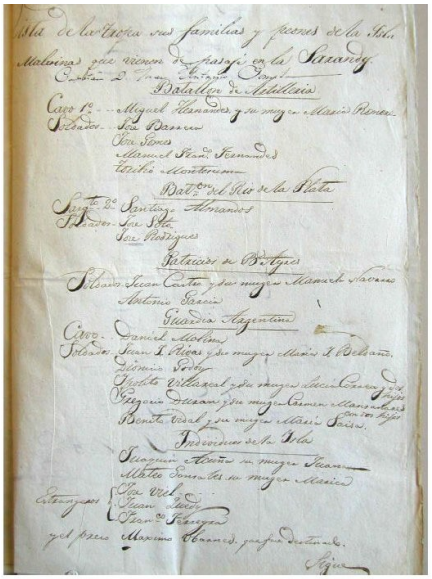
Patricios de Buenos Ayres: Soldados: Juan Castro y su mujer Manuela Navarro; Antonio García

Guardia Argentina: Cabo: Daniel Molina. Soldados: Juan J. Rivas y su mujer Maria I. Beldaño; Dionisio Godoy; Hipólito Villarreal y su mujer Lucia Correa y dos hijos; Gregory Durán y su mujer Carmen Manzanares, con dos hijos; Benito Vidal su mujer Maria Saisa [1803]

Individuos de la Isla: Joaquín Acuña, su mujer Juana; Matthew González, su mujer Marica [1804]

Extranjeros: José Viel; Juan Quedy; Francisco Ferreyra[1805]

Y el preso: Maximo Varnes (Warnes), que fue destinado



1800 Pascoe 2020 p.150
1801 Canclini 2014 p.62
1802 *AGN III 17-6-5* (*16-6-5* is incorrect). Also Fitte, 1966. See https://falklandstimeline.files.wordpress.com/2018/05/pinedos-list.jpg This is the list as presented by Pinedo in its original Spanish. Individual soldiers are identified by ranks and units – e.g. *Soldados* are ordinary soldiers and *Batallion de Artilleria* is a reference to the Artillery Battalion. *Mujer* is wife, and *hijo*/s refers to children. *Extranjeros* translates as foreigners, while *preso* is prisoner.
1803 Correa had two children, as did Manzanares.
1804 *AGN Sala VII, legajo 136.* Settlers. Acuña was Brazillian, González from Uruguay. Although accompanied, both would subsequently claim to be unmarried. There is evidence that Luis Vernet considered Joaquín Acuña to be a non-productive member of the settlement and that Brisbane had persuaded him to leave.
1805 Ferreyra (Freire) was a sailor who had been at Port Louis. Nothing is known about the others.

Mujeres pertenecientes a los militares que vienen presos en la goleta inglesa "Rapid", y que vienen en dicha "Sarandi": María Rodríguez, con tres hijos; Anastasia Romero; Encarnación Álvarez; Carmen Benitez Tránsita González, con un hijo [1806]

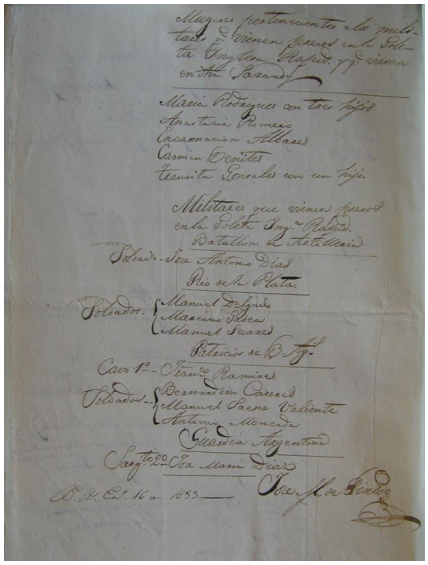
Militares que vienen presos en la goleta "Rapid": [1807]

Batallón de Artilleria: Soldado: José Antonio Díaz

Rio de la Plata: Soldados: Manuel Delgado; Mariano Gadea; Manuel Suares

Patricios de Buenos Aires: Cabo 1°: Francisco Ramírez. Soldados: Bernardino Cáceres; Manuel Saenz Valiente; Antonio Moncada

Guardia Argentina: Sargento 2°: José Maria Díaz



"Pinedo drew up a list of 53 people brought from Port Louis in the two ships (apart of course from the ships' crews, who included himself and the pilot, Matthew Brisbane,...) ... The 53 people listed by Pinedo comprised 45 who belonged to the garrison and 8 who did not. In addition, there were 7 people he did not list: 3 in the Sarandí, 2 in the Rapid, and 2 in the Clio. So in addition to the ships' crews, exactly 60 people left the islands in the three ships: the garrison plus 15 others." [1808]

Pinedo hands over the gauchos Manuel Ruiz and Mariano Lopez to the Port Captain, Fransisco Lynch. [1809]

Foreign Minister de Maza, writes to the British *charge d'affaires,* Philip Gore.

> *"... to inform him that the Govt. has just learnt that the Commander of HBM's Schooner of war, the Clio, has, in the Falkland Islands, taken possession of the Isle of Soledad, & hoisted the English flag where that of the Argentine Republic heretofore waved. This unexpected event has caused a very great surprise to the Govt. of Buenos Ayres; and though H.E. cannot discover any pretext which could furnish an excuse for it, yet, taking it for granted that the Charge d'Affiares whom the Undersigned addresses must be in possession of instructions concerning a step which manifestly compromises the dignity and the rights of the Argentine Republic, he has directed the Undersigned to apply to the Charge d'Affairs of HBM for the competent explanation."* [1810]

At Port Louis, after two days of gales, Captain Hope of HMS *Tyne* goes ashore accompanied by Colonel Belford Hinton Wilson, Britain's new Ambassador to Peru. Wilson, fluent in Spanish, speaks to the gauchos. [1811]

> *"The Gauchos or inhabitants of the plains of Buenos Ayres are employed in lassoing wild Cattle and attending to them after being collected in herds... Their employer brought them fron Buenos Ayres under promise of paying them monthly, twenty dollars in silver but instead of which he merely issued to them Paper of his own coining to this amount, so that in fact it was perfectly valueless, except in*

1806 Wives of the prisoners being held on *Rapid*, who returned on the *Sarandi*. Rodriguez had three children. Gonzalez, one.

1807 Military prisoners on the *Rapid*

1808 Pascoe 2020 p.152

1809 *AGN Sala III legajo 33.* Son of Patricio Lynch, the *armador* who had equipped *Heroina* for Jewett's voyage in 1820.

1810 *CO 78/1/235.* Gore had been informed as to the instructions handed to Commander Onslow, but had not himself received any directions from London on how to handle the matter. That letter had been misdirected to Rio de Janeiro. See September 4, and November 30, 1832.

1811 *FO 78/1 fols. 199-217.* Onslow had included the four Charrúa Indians among the gauchos, Wilson separated them.

exchange for commodities which they purchased at a high price of his Storekeeper, Mr. William Dickson. The few trifles a Gaucho requires, procured from Mr. Dickson by means of this Paper, were therefore all the Wages Vernet ever paid his Colonists and Servants until the arrival of H.M.'s ship 'Clio' when they were paid in silver. These Gauchos would cheerfully remain on the Island under any Englishman whom the Government may please to appoint to take charge of the Cattle..."

In his journal, Wilson describes the settlement and settlers.

"The aspect of the houses is towards the North East, a great advantage both as regards the prevailing South West Gales and the Sun.- There are two Streams of pure water running within five hundred yards of each other, and throughthe village.- This consists of about a dozen straggling mud built Huts.- The house of the Governor is larger and built of stone, but in other respects, very little better than the rest, it however contained a Sofa, Pianoforte, Table and two chairs ...

The individuals now remaining on the Island amount in all to twenty-two, consisting of eight Gauchos, and one Frenchman who has resided six years on the Island as their immediate Director, – one Irishman of the name of William Dickson and who for the last three years has acted as Commercial Salesman for Luis Vernet; besides these, the Frenchman and two Gauchos have each a black woman attached to them, the former has a child by one, so that out of the twenty-two Colonists, fourteen may be considered as servants of Vernet. There are moreover four Indians of Monte Video who were sent here by that Government, as turbulent bad characters, here they live peacefully and do nothing, there are also, an English Sailor who remains here voluntarily and lives by fishing and catching Rabbits, – a Native of Tenerife, an industrious fisherman, – a German tailor and an American black." [1812]

"Wilson had impeccable South American credentials: he spoke fluent Spanish, had served from 1823 as aide-de-camp to the liberator Simón Bolívar (1783-1830), had attended Bolívar on his deathbed and on 10 December 1830 was one of the seven witnesses of his will, in which Bolívar mentions him with gratitude. At Port Louis Wilson established that there were 22 inhabitants, confirming Onslow's figure. William Dickson and the gauchos told him about the murder of Mestivier on 30 November 1832; Wilson recorded their complaints about Vernet, that he did not pay them in silver but in "Paper of his own coining", and their approval of the fact that on the arrival of HMS Clio they were paid in silver,.." [1813]

Captain Hope gives William Dickson further written instructions with regard to the British flag.

"... in the event of you leaving this Island, you give British Colours in charge of the most respectable Englishman, who may be here at the time, but should there be no British subject here you will then deliver them to any Foreigner, who will undertake the Charge of them, upon the express understanding, that he must consider himself under the British flag and in a Settlement of His Britannic Majesty. ... should however, in case of your quitting the Island, no British subject be here and the Foreigners all refuse to take Charge of the British Flag, you will then leave it hoisted, and warn the residents to respect it, as they will sooner or later, have to answer for the Consequences at their Peril." [1814]

1812 The black slave Carmelita was living with Manuel Coronel at this time, while Antonina Roxa appears to have moved in with Juan Simon. There is no information as to which gaucho the slave Gregoria was with. The English sailor was William Jones, the German tailor, Carl Kussler.

1813 Pascoe 2020 p.158

1814 *Hope to Dickson January 16, 1833* in *ADM 1/41*

January 17th, in Buenos Aires, Gore responds to de Maza that he; *"... has received **no instructions** from his Court to make any communication to the Govt of Buenos Ayres upon the subject of which HE's note refers..."*[1815]

"The vital despatch, outlining the proposed line of action – Lord Palmerston's no.8 of 1832 – was sent in error to Rio de Janeiro, and a duplicate did not reach Buenos Aires until July 1833." [1816]

Gore writes to Lord Palmerston in London to update him.

> *"I have as yet received no report from Capt. Onslow of the circumstances that have taken place. From the last information that I have been able to obtain here I learn that HM's ship "Clio" arrived at the Port of St. Louis on the 2nd December and on the 3rd the British flag was hoisted... Neither the Govt., nor the Public of Buenos Ayres having been prepared for this measure on the part of Great Britain, very considerable excitement was manifested upon the event becoming known, and it still continues. I have the honor to enclose a copy of a Note I received this morning from the Minister for foreign affairs, requesting explanations upon the subject..."* [1817]
>
> *"It only remains for me to add the humble expression of my hope, that the line of conduct I have deemed it my duty to adopt upon the present occassion, - **in the absence of instructions** upon the subject, - or of any previous direct intimation of the views and intentions of His Majesty's Government with respect to the measures recently adopted for asserting His Majesty's Rights, - will meet with the approbation of your Lordship."* [1818]

January 18th, from Port Louis, HMS *Tyne* departs; leaving William Dickson as the only British authority on East Falkland Island.

"Cpt. Hope would denounce Vernet shortly after, accusing him of attempting a large-scale slaughter of the cattle and yeguarizo (?) existing on the island, in order to benefit from the leather and jerky. This fear, unfounded by the way, led the aforementioned Captain Hope to request a rapid settlement of the place whose occupation had just been carried out." [1819]

"(Captain Hope) noted that the Islands were worthy of colonisation and recommended the despatch of a detachment of marines." [1820]

"That was typical of "informal empire" – the two British warships left no governor, no garrison, not even a token guard. Once the Tyne had gone, the 22 residents of Port Louis were on their own." [1821]

In Buenos Aires, Philip Gore is asked to attend the Ministry of Foreign Affairs for a '*conference*.' [1822]

1815 My emphasis. Contrary to assertions that Gore was ignorant of Onslow's orders, he simply had no instructions to speak upon the matter. See November 30, 1832 above

1816 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490.* The despatch dated August 7, 1832 from London to the Station at Rio de Janeiro did not include any instructions for the Legation in Buenos Aires. However, while Gore may not have been in receipt of anything specific from Palmerston, he had been warned by Rear-Admiral Baker in a letter dated November 30, 1832.

1817 *Gore to Palmerston January 17, 1832* in *CO 78/1/229.* Quoted in full in Pascoe 2022 vol.2 pp.249-250

1818 *Gore to Palmerston January 17, 1832* in *FO 6/500 fols.1-5.* My emphasis. Instructions had been sent, but to Rio de Janeiro rather than Buenos Aires.

1819 Caillet-Bois 1982 (6th ed.) p.329

1820 Andrew David in Tatham (ed.) 2008 p.300. Capt. Hope's report, dictated January 21, 1833 can be found in *PRO ADM 1/41 Fols.5-6*

1821 Pascoe 2020 p.158

1822 *Gore to Palmerston February 14, 1833* in *CO 78/1/247*

"(His Excellency) began by stating that his Govt. had been placed in a situation of great embarrassment by the unexpected news which had just reached Buenos Ayres of the proceedings of Capt. Onslow of HMS Clio at the Falkland Islands; that the Council of Ministers had held several, and very prolonged, sittings upon the subject; that, as yet, the Ministers had not resolved what course should be pursued to meet the circumstances of the case, but that he was desirous of having a personal interview with me, previous to their coming to any final determination. ... that he could have understood, had HM's Govt. made the question of the Falkland Islands a matter of amicable negotiation with that of Buenos Ayres through the medium of the Minister whom HM had recently named to this Republic, but that, in the late transaction, his Government considered that an act had been committed against the Argentine Republic, infringing upon her rights and derogatory to her dignity as an independent nation...."

Gore responds:

" .. the occupation of the Falkland Islands by Great Britain could be a matter of no surprise to HE... since, in 1829, formal intimation had been given to the Buenos Ayrean Govt of HM's rights of Sovereignty over those Islands. The present measure was a natural and necessary consequence of that intimation, then so explicitly made, and lately, in 1832, as categorically repeated."

"... British spokesmen have often asserted that the status of the islands actually did not change because of the Clio's actions. Britain was merely reasserting its already well-established claim. ..." [1823]

Buenos Airean journal, *La Gazeta Mercantil*, denounces the British action.

"We have a Treaty with Great Britain, which offers no benefits, but yet our relations have been interrupted. The Ministers of that nation, without the slightest indication and amid a deep peace, occupy a part of our territory and humbles the flag of the Republic. What behaviour is that? Is that how nations treat? ... Clio has disabled the existing Treaty with Great Britain..." [1824]

In the same publication, an editorial berates the British.

"If the people of Buenos Ayres were filled with indignation at the outrage of the commander of the American corvette Lexington, they could not have looked with less marked displeasure at the fact that the commander of the English corvette Clio had just been executor in the Malvinas. Duncan, at lease, had a pretext to justify his proceedings, which was the seizure of ships of his nation; but what could the English government allege to justify the violent plunder that it has just surreptitiously made of the Republic of an establishment of which it was in legitimate possession?

It will be said that His Majesty has the right to the sovereignty of those Islands; but this is false, extremely false, because, regardless of the agreements both public and private with the Court of Spain, England implicitly renounced all the titles it might have had, when it abandoned its establishment at Port Egmont leaving Spain in possession of that of Soledad. At least that is what the sound principles of the law of nations teach us. But even if England, after 58 years of dereliction, still retained the rights it claimed at the time of the question with Spain, how can it justify the way in which the plunder that has just been made of the Argentine Republic been carried out? Can the sinister expedition of the Clio be reconciled with the frank policy of a nation whose Representative on leaving,

1823 Gustafson 1988 p.26
1824 *La Gazeta Mercantil* January 18, 1833 p.2 (cols.3-4). A reference to the purely commercial treaty of 1825. *cf.* 1825

renews the protests of the friendship of his government, which is preparing to send another Minister to ratify them, while our Charge d'Affairs in London receives equal assurances, and the English diplomatic agent close to our government repeats them. No: such behavior belies the favorable concept that these demonstrations gave rise to, and puts the English government in an unseemly light, giving its enemies ample reason to blame it for the tortuosity of its foreign policy, as they have already done. with the decline of the reputation of the Whigs who boast so much of liberalism.

There is no shortage of those who try to persuade that the English government had no part in this event, but that it was the exclusive work of the admiral of the Brazilian station; But we cannot subscribe to this opinion, because we do not believe that a leader as circumspect as Admiral T. BAKER would have wanted to shoulder such an immense responsibility. In our concept it is impossible not to recognize here the results of the zealous defense of the rights of Great Britain made by the profound American diplomat, Mr. Baylies, whom he made serve as an instrument to promote his views, the cunning Fox. We all know that England has long coveted the possession of an establishment in those seas, and that her desire in this regard was so intense that she had to seize the island of Santa Catalina, under the pretense of claims against Brazil.

It is equally notorious, as has been confessed by the ministerial organ The Courier, that it has tried to buy the right of this Republic to the Malvinas.[1825] *But for the execution of any of these projects, it was believed that it would encounter the most determined opposition from the United States, whose government could not be indifferent to the establishment of the English in any part of South America, much less in Malvinas, which can be said to be the key to the Pacific. But, since she has seen that the claims that she judged null, have been supported with the greatest warmth by the Representative of the same government, whose opposition she was suspicious of, what should be expected, but that she would assert those claims to achieve the object of your ambition? In effect, it has done so, making illusory all the claims that Washington's cabinet may make on the matter. We hope to see the American character unfold on this occasion, giving Mr. BAYLIES the justice to which he has deserved.*

Meanwhile, as far as our rights are concerned, we trust that the government will show its usual energy, proceeding of course to demand due explanations from the Chargé d'Affaires of Great Britain on a matter that so affects the honour and interests of the Argentine Nation. This official must surely be informed of all the antecedents, since it seems incredible that his government, although it has deemed it convenient to hide its plans from our minister in London, has failed to share them with its Agent, in order to be able to respond to the claims that must naturally be expected. that were done to him. If anything comes to light in this regard, we will continue these observations, which we have anticipated to make, without having in view any other details than those we have already communicated to our readers." [1826]

"British policy manifested strong concern about US attitudes but little for the claims of Porteños. News of the episode stirred strong feelings in Buenos Aires. The British Packet reported heated, indignant reactions, as people heaped "odium [on] the shoulders of John Bull. [The British takeover] constituted the chief conversation all over town." ... Clerics campaigned for a ban on marriages between British merchants and Porteño women,

1825 This avers to a rumour circulating in December 1831, and reported upon by Consul Slacum, regarding Woodbine Parish attempting to reach some financial arrangement with Buenos Aires. However, there is no documentary evidence from either side to support this assertion. Just a rumour. *cf.* December 5, 1829. Also William R. Manning 1932 vol.1 Argentina and Caillet-Bois 1982 (6th ed.) p.314 f.25

1826 *La Gazeta Mercantil* January 18, 1833 p.2 (col. 5) & p.3 (col.1) quoted in Canclini 2014 pp.201-203

while Governor Juan Ramón Balcarce claimed the British seized the islands to force a resumption of payments on the Baring loan." [1827]

January 19th, at Montevideo, HMS *Clio* anchors in the port, from where a copy of Onslow's report is relayed to HMS *Pylades* (Blanckley).

> *"In pursuance of directions from the Commander in Chief, to represent to you, for the information of His Majesty's Government my proceedings at the Falkland Islands,- I have the honor to report H.M. Ship under my Command visited Port Egmont, West Falklands, 20th December 1832, and found on Saunders' Island the ruins of our Establishment.- I left, on what appeared to me to have been Fort George, a signal staff with the following inscription*
>
> *"Visited by H.M.B.S Clio for the purpose of exercising the Right of Sovereignty 23rd December 1832."*
>
> *Not finding any inhabitants or the foreign Settlement alluded to in the Commander in Chief's (orders) at West Falkland, I sailed to Berkeley Sound, East Falkland, where I arrived on the 2nd January, 1833 and found the settlement with 25 Soldiers under the Buenos Ayrean Flag; also a Schooner of War under the same Colours.–*
>
> *I waited upon the Commander of the Schooner and learnt from him that he commanded both by Sea and Land.– He informed me, a mutiny had taken place, whilst he was at Sea, amongst the Soldiers, they had killed their Commander, and were in a state of great insubordination; so much so that the settlers were afraid to pursue their vocations, and all appeared anarchy and confusion.– ...*
>
> *I acquainted the Buenos Ayrean Commander, civilly, with the object of my Mission to these islands, and requested him to haul down the Flag on shore, and to embark his Force,– "he being in a possession belonging to the Crown of Great Britain; that I came to these Islands, to exercise the Right of Sovereignty over them."– At first, he consented to do so, provided I would state to him in writing my Mission.– I did so, – but only observed, what I had before verbally communicated to him, and declined any further correspondence on the subject.– He visited me at 5am the following morning, to request me to allow Buenos Ayres Flag to fly onshore, till the 5th instant; when he would sail, and take with him the force, and such of the settlers as were desirous to leave the Island.– I told him his request, so far as related to the Flag, was inadmissible; he then consented to embark the soldiers, and left me for that purpose; but I observed he still kept the Flag flying on shore.-*
>
> *I landed immediately, hoisted the British Flag, and sent an officer to haul down the Foreign Flag, and to deliver it on board the Schooner.– He sailed the evening of the 4th instant, taking with him part of the soldiers, with several of the inhabitants, who wished to return to Buenos Ayres.– The mutineers he had placed in irons, on board the British Schooner 'Rapid', by the consent of her master previous to my arrival, and had freighted her accordingly to take them to Buenos Ayres. She sailed on the 5th instant.– ..."* [1828]

After describing Port Louis, Onlsow adds a recommendation.

> *"... the necessity of a small Force being placed at Port Louis... indeed a Force is absolutely necessary to preserve order and authority; to protect the well disposed settlers in their peaceable agricultural, fishing and other pursuits and to prevent bad characters from landing in the Colony... I regretted to observe a bad spirit among the Gauchos; they appeared dissatisfied with their wages."*

1827 Rock 2018 p.89
1828 *FO 6/500 fols.116-124.* Also *ADM 1.2276.* Original emphasis

Onlsow then finalizes his report for Rear Admiral Baker at Rio de Janeiro, before preparing another for the Admiralty in London. [1829]

Off Buenos Aires, Capt. Blanckley (*Pylades*) sends Onslow's report to Gore, adding a note of his own.

> *"I have the honour to inform you of my arrival at the roadstead and that I am the bearer of the attached dispatches of Captain Onslow of the schooner H.M. Clio. Capt Onslow anxiously awaits an answer, according to which it will depend on whether he continues to Rio Janeiro (sic) or remains in this river. If you wish to give a confidential response and do not have a secure method of delivering your communication, I will be the bearer ... or, if you believe it is necessary for this ship to remain in the raodstead, I can send an officer to Montevideo as carrier of your dispatches. ..."* [1830]

In Buenos Aires, a court of inquiry is opened to review the actions of Lieut-Colonel Jóse María Pinedo. [1831]

"(Pinedo)... based his defence on the absence of precise orders in case he had to face a British military expedition." [1832]

"Before the court martial itself sat, a commission of inquiry began taking evidence from those who had been at Port Louis a fortnight earlier. The commission initially consisted of the Buenos Aires harbourmaster, Francisco Lynch..., and a judge, Dr. Rafael Macedo Ferreyra, Auditor of the Navy and Assessor of Registrations, with Sergeant-Major Bartolo Fernandez of the Naval Artillery Company acting as secretary. ... They first swore in Pinedo himself and asked him to confirm that the documents he had submitted (his written report and instructions) were true copies, but they did not question him..." [1833]

Argentine newspaper continue to consider Onslow's actions; not all are critical.

> *"Captain Onslow's conduct in this matter is universally regarded as very kind and considerate; that he seemed to feel the delicate and unpleasant duty that he was ordered to perform and used all means to avoid hurting the feelings of those interested and with that purpose he had the party disembark that was to hoist the British flag outside the port and not inside it. . Everyone on board the Sarandi praises it highly and we take great pleasure in recording the praise of our compatriots in the unpleasant task of expelling the flag of a friendly nation from a territory that that nation claims as its own."* [1834]

January 20th, at the port, the prisoners are disembarked from *Sarandi*.

January 21st, in Buenos Aires, while the commission of inquiry continues to question witnesses,[1835] the journal *El Lucero* publishes an editorial.

> *"We are very sorry to have to entertain doubts as to the principles which govern the conduct of the Cabinet of St. James. We considered the English not only as the oldest, but the most constant and sincere defenders of our rights; and it pains us to see ourselves insulted by the friends and successors*

1829 That to Baker (*FO 6/500/189*) is an almost exact copy of that to Gore. In full in Pascoe 2022 vol.2 pp.255-257. The letter to the Admiralty contained more detail of the mutiny that had taken place at Port Louis, and the exchanges between Onslow and Pinedo. In 1840, Onlsow provided a 4th version to G. Whitington.

1830 Quoted in Canclini 2015 citing *PRO FO 118/30b*. Gore received this note on January 21, 1833

1831 *AGN VII doc.60*. This inquiry lasted from January 19, 1833 to February 4, 1833. See March 7, 1833

1832 Peña & Peña 2018

1833 Pascoe 2022 vol.2 p.258. Pinedo's report in full in Pascoe 2022 vol.2 Appendix A.28. Fernandez was replaced on January 24, 1833 by Lt.-Colonel José Tomás Beruti.

1834 *The British Packet & Argentine News* January 19, 1833 quoted in Canclini 2014 pp.66-67.

1835 See Pascoe 2022 vol.2 pp.260-261

of the illustrious Canning, who so energetically maintained our independence, and opposed the Bourbons of Spain, who intended to maintain us in the state of colonists, and those of France, who proposed to be monarchists. ... If he considered himself entitled to invade us, did he lack agents to expose them? What reason could have made him desist from the path of negotiations, which were underway regarding this same business? [1836]

When our Government decided to appoint a political and military commander of the Malvinas, Mr. Fox, Minister Plenipotentiary of His Majesty, invoking the alleged rights of the crown of England over those islands, protested against this appointment. He could not have been satisfied with what he was told, and declared that, in the absence of any other response, the English Government would have to resort to force...

Whichever way you look at the occupation of the Malvinas, there is not a single reason that justifies it, even if the rights of sovereignty claimed by England were real. But we trust that the Government of Buenos Aires will take care to prove its insufficiency, demanding due reparation for the outrage inflicted on the dignity of a friendly flag; and that, more docile to the principles of universal law, which prevail among cultured peoples, it does not deviate from the line of moderation that it has followed until now in its affairs with foreign powers:..." [1837]

"And once again, the old capital of the viceroys saw walls and doors (with) all kinds of "placards" with threats of the most varied nature, and where prevailed – "Death to the English!" (and) "Death to strangers!" The consequences were not long in coming, but those in charge of maintaining order intervened happily so that things did not have a greater consequence: "they used all their influence to stop in the newspaper a controversy that soured more and more to the spirits and, in this , at least, the irritation was not slow to calm down." [1838]

At sea, Capt. Hope writes from HMS *Tyne* to Lord James Townshend, concerned that once Luis Vernet hears of Britain's determination to "*exercise the right of sovereignty over these islands*," he will order a great destruction of the wild cattle. [1839] Hope suggests that the presence of an agent from England is necessary to prevent this.

January 22nd, Minister de Maza, informed of the arrival of HMS *Clio* in the Rio de la Plata, writes to Gore.

" ... the Corvette of H.M.B. 'Clio' anchored on the 2nd instant, in the Port of St. Louis de la Soledad, of the Falkland Islands,– with the object of taking possession of them, as belonging to H.B.M.;- her Commander Onslow stating, that he had received express order to hoist the English Flag within twenty-four hours;- .. which had already been done at other ports of the Islands;- and he effected the same in the Island of Soledad, in opposition to the protests of the Commander of the Schooner of War 'Sarandi', who was at that Port, in execution of the order of the Government;- the which, from an unforseen fatality of circumstances, he was unable strictly to fulfil,– resisting by force the occupation of those islands.– ... For the reasons above expressed, in compliance with the order of His Excellency, and in his name... the Undersigned protests in the most formal manner, against the pretensions of the Government of great Britain to the Falkland Islands,- and to the occupation which has been effected of them,- as equally against the insult offered to the Flag of the Republic..." [1840]

1836 There is no evidence to support a suggestion of negotiations or the promise of negotiations. Other than bare acknowledgments, Buenos Aires had not responded to either of the British protests of 1829 and 1832.

1837 Quoted in full in Canclini 2014 pp.203-205

1838 Caillet-Bois (6th ed.) 1982 p.334

1839 *FO 78/1/79-80.* Townshend was the British commander at Valparaiso

1840 *FO 6/500/128* also *Gore to Palmerston February 14, 1833* in *CO 78/1/24.* Gore acknowledged receipt on the 24th.

"On the 22nd January, 1833, the Buenos Aires Government lodged a formal protest with Gore – "against the pretensions of the Government of Great Britain to the Falkland Islands and to the occupation which had been effected of them, as equally against the insult offered to the Flag of the Republic, and to the prejudice which she had suffered, and may suffer, in consequence of the above-cited proceedings, and moreover, against the still further proceedings of the English Government in this respect." Gore acknowledged the receipt of this communication, promising to forward it to His Majesty's Government." [1841]

Philip Gore sends a note to Commander Onlsow, at anchor off Montevideo.

> *"Under the existing circumstances, I am of the opinion that the arrival of the Clio at the current time in Buenos Aires must be avoided above all. Time and occassion do not allow me to write to you more fully."* [1842]

In the UK, the *London Evening Standard* reports;

> *"We have accounts from Buenos Ayres of the 19th of January. Every thing was quiet; but, according to ... a letter of that date, ... they are very angry with us for taking possession at the Falkland Islands, which it appears his Majesty's ship Clio did, in the name of his Britannic Majesty, on the 3d of January. It will be recollected, that some sixty years ago we were going to war with Spain about the same islands. What we want of them at present we cannot tell;.."*

January 23rd, in Buenos Aires, Minister of War Martinez, calls for the opinion of other Ministers.

Tomás Guido responds;

> *"... I will point out to you frankly the course which, it seems to me, must be followed in order to make England feel regret, and (know) our grievances and our rights, after the violent occupation of the Islands by the forces of S. M. B. ... It is necessary / to establish as a principle, that since we have maintained before the Government of the United States our rights of sovereignty over the Malvinas Islands, we can not decline without disdain our claim, whatever nation that wanted to dispute that dominion; in this sense we must deny England the right to occupy the Islands, and qualify the act of ultimate possession by the Clio garrison as a usurpation supported merely by force. The usual formula in such cases is a solemn protest by our Minister's mission at the London Court.*
>
> *The Sovereignty that Spain has constantly claimed over the Malvinas, the recognition that France made of this right when it required the St. Maló Company to quit that territory, and to sell its establishment to the Spanish Monarch (in) the Royal Order of April 4, (17)74, from which it is clearly deduced that England abandoned its alleged rights over the Islands, the last convention of the year (17)90 between the Kings of Spain and England, in which any nation was allowed to fish at a shorter distance than ten leagues from the coast, without prior permission from the Spanish Government, can serve as a basis for the protest / with all the consequences and incidents that derive from those previous events; because our right is a natural emanation of those of the territory retroverted to the Argentine Republic by virtue of political emancipation.*
>
> *The possession, the existence of our flag, that of our troops and our settlers in said Islands, is another of the inescapable arguments in support of the complaint by the outrage that has been caused to the*

1841 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing *Maza to Gore 22, January, 1833; Enclosure, Gore to Palmerston February 14, 1833* in *FO 6/500*

1842 Quoted in Canclini 2014. No citation.

nation. But is protest alone sufficient to produce restitution?... no. ... the prospect and usefulness to England is so great and far-reaching that it cannot fail to generate the jealousy and care of the other maritime nations, whose prosperity depends on the spread of their trade, and on the concurrence of their fleets to the ports of America on par with Great Britain. France, the United States, Russia, Ireland itself will not see without disgust the arrogance of the English, and above all the superiority that gives them a place from which they can impregnate and disable the traffic and fishing in the Pacific ocean; and a point from where they can put to tribute all communication with India by Cape Horn. ... our aim must be to take this issue to the point of turning it into a European issue. To this end our Minister in London must (notify) the Ambassadors or Ministers of the Maritime powers residing in that court of the latest event on the Islands, and of the protest addressed to the British Minister. ... our Minister must be prepared to contradict them and to propose the arbitration of one or more powerful nations, friendly or neutral, to whose ruling the resolution of this question is definitively submitted. ...

It is also of interest to circulate the Falklands event to all the American Republics, announcing that the Government of Emergency, despite its situation relative to that of Great Britain, will assert its rights by the means that inspire justice and national honor..." [1843]

Mateo Vidal recalls the; *" .. vigorous and constant proclamations of Spain during their sovereignty over the islands, ... designating Governors until 1805 (sic), maintaining garrisons, building homes, sending residents, encouraging farming and cattle breeding, legislating ..."* He states that if England has any rights they cannot be enforced by a; *"... method only tolerable in the Middle Ages.."*

Manuel Garcia advises that Buenos Aires should employ the same tactic as the English in 1770 and ask for; *"... due satisfaction for the violence committed and a restitution of things to the state they had been in at the time of arrival of the Clio."* Adding; *"In this question there is something mysterious, that we should clarify. For me, it is almost certain that the abandonment of port Egmond (sic) made by the English in 1774, was as a result of a special agreement with Spain; it matters / therefore to know whether or not there were conditions, and were this knowledge convenient for us to commit ourselves, or not..."* [1844]

Minister José Ugarteche calls for the archives to be checked, while proposing a lightning attack on Port Louis.

"I venture to suggest as the best way, and soon to save time, expense, and the incalculable evils of a formal war; vindicating our sovereignty, and return us to the Falklands. This project requires speed in its execution, readying in fifteen days if possible two ships of war, and two transports with five hundred men well supplied with munitions and in impenetrable secrecy of its object.. The cost would amount to 300, or 400 thousand pesos, which (offers) true economic and immense advantages... we will gain credit abroad." [1845]

"To judge the plan proposed by Ugarteche it is necessary to remember that, at that time, the islands, devoid of any English garrison, were in the hands of the employees and settlers transported to that point by Luis Vernet. The plan was therefore perfectly viable. What could not be estimated in any way were the consequences that would result from its realization. In any case, and in our opinion, what Ugarteche suggested was far from a far-fetched and unrealizable plan." [1846]

1843 In full in Caillet-Bois 1982 (6th ed.) pp.412-415
1844 Caillet-Bois 1982 (6th ed.) pp.415-416
1845 *Jose F. de Ugarteche al general E. Martinez Jan 26, 1833* quoted in Caillet-Bois (6th ed.) p.345/346
1846 Caillet-Bois (6th ed.) p.346

In Uruguay, on the same day, an editorial in *El Investigador* recommends an accommodation between Britain and Buenos Aires over the, *"sterile islands."* [1847]

"For its part, the Oriental Republic of Uruguay, whose policy so closely linked to that of our country, was certainly not very favorable, (it) demonstrated, through the newspapers, ... a shy attitude bordering on coldness." [1848]

January 24th, in Buenos Aires, the House of Representatives is informed of the British action by Governor Balcarce and Minister Maza. [1849]

> *"If great has been the pain which the government has felt on receiving the news of the violent abuse of power exercised in the Malvinas by a vessel of war belonging to his Britannic Majesty, in dishonour of the Argentine flag, in violation of the integrity of the territory of the Republic, of its rights, of justice, and of the faith due to the relations of friendship and good understanding, cultivated without interruption with the Court of St. James; it feels no less pain in acquainting the Honorable Representatives with the new and scandalous aggression, which has been committed in the Malvinas by an Officer of the English Navy; an aggression rendered the more remarkable from the reciprocal relations and Treaties of Friendship and Commerce subsisting between the two countries."* [1850]

"The proceedings were simply confined to the message, which was read to the House, and then referred to a Committee, but no discussion took place." [1851]

"Balcarce's and Maza's account of the events at Port Louis in early January 1833 is closely based on Pinedo's report, though they gloss over the murder of Mestivier." [1852]

Buenos Aires sends out *Circular No. 1* to all the Provinces of the Argentine Confederation. [1853]

"I am informed that the Buenos Ayream Govt., have written ... in terms still more violent to the Govts., of the other provinces of the Republic – whose voice and concurrence they are anxious to obtain in support of such measures as may subsequently he had recourse to." [1854]

"... in which, in accordance with the frankness which characterises the principles of the Government, it took especial care not to awaken in them any other sentiment but that of the sympathy which ought to animate them,.." [1855]

1847 *El Investigador* January 23, 1833 no.2 p.11 col.2

1848 Caillet-Bois 1982 (6th ed.) p.341

1849 *Papers relative to the Origin and Present State of the Questions pending with the United States of America on the subject of the Malvinas (Falkland Islands) laid before the Legislature of Buenos-Ayres by the Government of the Province charged with the direction of the Foreign Relations of the Argentine Republic* in *Gaceta Mercantile* 1832. Quoted in full in *The Falkland Islands Dispute in International Law and Politics* Raphael Perl 1983. There is a slightly different translation in *FO 6/500/160.* Argentina's National Archive reference is *AGN X-1238, doc.11*

1850 Translation in full in Pascoe 2022 vol.2 Appendix A.30 pp.713-715

1851 *Gore to Palmerston February 14, 1833* in *CO 78/1/24*

1852 Pascoe 2022 vol.2 p.261

1853 Which, according to a Senate debate in 1882, were largely unaware of any of the actions taken by Buenos Aires with regard to the Falklands archipelago and, indeed, the coasts of Patagonia. All of which Buenos Aires considered to belong to Buenos Aires, not the other provinces

1854 *Gore to Palmerston February 14, 1833* in *CO 78/1/24*

1855 Quoted in the *Morning Post* Monday December 9, 1833

"Between these provinces, being twelve or fifteen in number, there is no existing political dependant connexion; and they are all independent nations, with all the attributes of sovereignty; and each one as much entitled to the possession of the Falklands and the adjacent islands as Buenos Ayres: and yet, in fact, Buenos Ayres is the only party with interest; and on this mere fragment of a right, according to their own showing, have all these overweening pretensions to sovereign power, over islands distant a thousand miles from their continental possessions, been set up." [1856]

On the same day, the Argentine *Journal of Commerce* proclaims.

> *"We are persuaded that the government of the U.S. will make a most decided opposition to the pretensions of England, notwithstanding its Agent, rather perhaps for want of foresight than from criminal intent, defended them with energy. The importance of the Falkland Islands in the hands of the English cannot fail to be seen by the Americans who, by consenting to the occupation of them by the English, will see a great part of their commerce subject to the caprice of a rival power, which already rules the principal seas.*
>
> *In the same situation with the United States, is France and all other nations; who cannot, by tacit consent, authorize the absurd claim which is now attempted to be established, without exposing themselves to be exscinded from our trade and that of the Pacific. It is for the interest of the whole world that the Falkland Islands should not be wrested from their true owner; i.e. the Argentina Republic, - and all nations, perceiving how much it would be for their advantage that these islands should remain under the same jurisdiction as at present, will unite in seeing that justice is done."* [1857]

January 25th, in Buenos Aires, the commission of inquiry resumes its interrogations; questioning Adjutant Gomila who accuses the 'Indians' of Mestivier's murder. [1858]

January 27th, Henry Metcalf draws up an account identifying money that he says is owed by the gauchos at Port Louis, to their employer Luis Vernet. As a result of no work being done between December, 1831 (*Lexington*) and October, 1832 (*Sarandi*). [1859] Alleged debts ranged from 415 pesos 2 reales by Pedro Salinas to 35 pesos by Domingo Velleja. A grand total of 4,008 pesos. [1860] Metcalf also alleges that the *capataz*, Juan Simon, has been disloyal; failing to keep the gauchos working, and selling cattle on his own behalf. [1861]

"... any debts the gauchos had acquired had been incurred by buying high-priced items from Vernet's own store (i.e. Dickson's storehouse), and had been unable to acquire real money of their own since Vernet paid them in his own paper tokens." [1862]

January 28th, *El Lucero* calls for the annulment of the 1825 Treaty with Britain.

1856 Reynolds 1835 p.501

1857 Quoted in *The New York Evening Post* Tuesday April 16, 1833.

1858 Details in Pascoe 2022 vol.2 pp.262-263

1859 AGN VII 130 doc.52 no.9. The last view those gauchos had had of their employer was in early November, 1831, as he sailed away on *Harriet*. In the intervening 15 months, they'd been raided (?) by the USS *Lexington*, been left without supplies, and then invaded (?) by the garrison from Buenos Aires. The reasoning would seem to have been that the gauchos had not fully pursued their employment (some beef had been sold), but had still been paid monthly. Albeit with worthless paper tokens, until the arrival of the British who paid in silver.

1860 List in full in Pascoe 2022 vol.2. Pascoe suggests an amount in British pounds today of some £868 divided between 17 listed gauchos. Not all of them remaining in the islands during Vernet's absence.

1861 Simon was as loyal as a dog, so it seems that Metcalf had an ax to grind. Vernet was looking for someone to blame.

1862 Pascoe 2022 vol.2 (Kindle edition)

"The enclosed copies and translations of two leading articles from the "Lucero" official newspaper, both notoriously emanating from a public employee, will show your lordship the light in which the Govt., have sought to place the late occupation of the Falkland Islands by Great Britain before the deeply ignorant and deluded public of Buenos Ayres; who are only permitted to view events through the median of a partial and most enslaved Press." [1863]

January 29th, a further protest is sent to Philip Gore by the Buenos Aires Foreign Ministry.

> *"... in fulfilment of the orders of his government and in its name, in consideration of what we owe to our dignity, to posterity and to the deposit which the United Provinces has entrusted to the government of Buenos Ayres, and, in short, to the whole world whose eyes are fixed upon us, the undersigned protests in the most formal manner against the pretensions of the government of Great Britain to the Malvina Islands, and its occupation of them, as likewise against the insult offered to the flag of the Republic, and against the damages which the latter has received and may receive in consequence of the aforesaid proceedings,... The charge d'affaires, whom the undersigned addresses, will please transmit this protest to his government, and manifest the decided resolution of this republic to sustain its rights, at the same time that it desires to maintain inviolate the friendly relations which it has hitherto cultivated with Great Britain, and that peace may prosper and be perpetual between both states."* [1864]

January 30th, letters are sent to the other South America nations.

"... giving them news of what happened in Port Louis, and emphasizing the need to unite to face any future overpowering rush of imperialism." [1865]

One of these letters is sent to Bolivia.

> *"So manifest a violation of international law must be considered not only an outrage for the Argentina Republic, but also of contempt towards other American countries. It is clear that the behavior the British cabinet in the Falklands, although detrimental only to the government that feels stripped of its territory, is also offensive and too injurious to all the American Republics,.."* [1866]

January 31st, Matthew Brisbane resigns as pilot for *Sarandi*.[1867] Luis Vernet appeals to the Government for a third attempt to sell *Harriet*, still rotting in the port of Buenos Aires. [1868]

February 1st, the Buenos Airean *Gaceta Mercantil* journal publishes a letter from Ventura Pasos, complaining of the raid by the USS *Lexington* over a year before. Also published are witness statements from some of the illiterate gauchos who were there when the American warship arrived (as recorded by Pasos). [1869]

February 4th, the inquiry into the actions of Lieut-Colonel Jóse María Pinedo concludes. All statements are prepared for the Public Prosecutor, Manuel Ynsiarte.

1863 *Gore to Palmerston February 14, 1833* in *CO 78/1/24*. The 'public employee' was not identified, but Luis Vernet may have been seen as suspect.

1864 *Niles' Register* April 27, 1833 p.136

1865 Caillet-Bois (6th ed.) 1982 p.340

1866 *De Maza to Pedro Feliciana Cavia January 30, 1833*

1867 *AGN Sala III 9-1-3*

1868 See September 28, 1833, below

1869 Pascoe (2022 vol.2) suggests that this account may have been in response to the list of debts drawn up by Metcalf. An explanation of all the reasons that they had not been able to work.

February 5th, in Buenos Aires, a court martial considers the fate of the Port Louis garrison mutiniers.

> *"That Adjutant José Antonio Gomila, on account of his timidity and want of energy in sustaining the discipline of his company, be punished by one year's banishment from the capital, and within the Province, on half pay.* [1870]
>
> *That second sergeant Jose Maria Díaz, first corporal Francisco Ramírez, and privates Bernardino Cáceres, Jose Antonio Díaz, Jose Marta Suares, Antonio Moncada and Manuel Saenx Valiente, BE SHOT, and hung four hours on the gallows; and that the right hand of Manuel Saenx Valiente be cut off before he is so suspended.*
>
> *That private Mariano Gadea suffer the infliction of 200 lashes, and 8 years renewal of service; and private Manuel Delgado, 100 lashes and 6 years renewal of service."*

"... after a brief process, most of the insurgents (seven people in total, among them Saenz Valiente) received a death sentence by firing squad. For Gomila, despite being the accused with the highest rank, the punishment only consisted of his being assigned to a border fort, with half a salary and for two years. Two other soldiers were severely beaten for committing a robbery during the incidents. The sentences were carried out at the beginning of February 1833, with Juan Ramón Balcarce being governor of the province. Mestivier's widow vigorously protested the lightness of the sanction applied to Gomila, but without success." [1871]

"Adjutant José Antonio Gomila (who had played a significant part in the mutiny) was defended by major-General Nicolás de Vedia, the other defendants by Capitan Juan Zamudio. It was an open-and-shut case, so it did not take long; the accused made no attempt to deny or excuse their guilt. ... de Vedia was a good defence lawyer and got Gomila off ... suggesting that Gomila had merely been irresponsible, an "unfortunate youth" (22 years old)." [1872]

February 6th, *Rapid*'s captain, John Ross submits his claim for payment for transporting the garrison prisoners from Port Louis to Buenos Aires. As agreed with Adjutant José Antonio Gomila. [1873]

February 7th, the *London Courier & Evening Gazette* reports.

> *"The Pelham packet, sailed from Rio Janeiro in December, for Bahia, Pernambuco, and Falmouth, with 800,000 dollars on board, transhipped (sic) from his Majesty's ship Clio, which was on her passage home from round Cape Horn, but whose services were required at the Falkland Islands, to which she proceeded."* [1874]

1870 On February 9, 1833, *El Lucero*, the official Buenos Aires journal, printed a letter from Mestivier's widow complaining bitterly at the lenient treatment of Gomila, and accusing Gomila's defence counsel, de Vedia, of impugning her honour to achieve a lighter sentence for his client. De Vedia implying that she had not been averse to Gomila's advances.

1871 Jiminez, Alioto & Villar 2018 pp.47-48 fn

1872 Pascoe 2022 vol.2 (Kindle edition)

1873 Capt. Ross sailed on a charter voyage for Vernet before he was answered (see below). While away, a committee decided that he was only entitled to the agreed 40 pesos a day, and not for the cost of transporting prisoners to Buenos Aires. Both Pinedo and Gomila were consulted, and both stated that they considered the claim to be excessive. Despite Gomila freely entering into the contract. Whether Ross ever received anything, is unknown. See Pascoe 2022 vol.2 p.273

1874 *London Courier & Evening Gazette Thursday February 7, 1833.* This appears to be the first news in England associating *Clio* with the Falklands.

February 8th, in Buenos Aires, sentences imposed on the Port Louis mutineers are carried out.

> *"The Government confirmed the sentence ... and ordered that all troops of the garrison of Buenos Ayres should witness the execution of the 7 criminals. The latter were accordingly brought out at the plaza of the Retiro at 10 o'clock yesterday morning, to undergo sentence passed upon them. We did not attend the execution, but are told that the criminals met their fate with firmness. ... The spectators were numerous ... Two or three of the criminals exhibited signs of life after the first volley, and were fired at again, which terribly mutilated their heads."* [1875]

"The executions took place on February 8, 1833, in Campo de Marte, today San Martin Square, before a large crowd. Governor Juan Ramón Balcarce ordered the presence of all the military staff that had been in Malvinas. At ten o'clock, sergeants Manuel Saenz Valiente and Jose Maria Díaz, corporal Francisco Ramírez and privates Jose Maria Suarez and Juan Moncadawere shot by firing squad and their bodies hanged for four hours at the gallows. Then three wooden carts carried away the bodies." [1876]

On the same day, the court of inquiry's findings into the conduct of José Mariá Pinedo are submitted to the Public Prosecutor, Manuel Ynsiarte; who immediately raises questions as to the conduct of the inquiry. Not least that the accused had not been consistently accompanied by an appointed defence counsel.

"... he (Pinedo) was arrested and subjected to a process before the Supreme Council of War and Navy, with Don Francisco Lynch, colonel of the Army in the service of the Navy, Commander of Registration and Port Captain and Doctor Rafael Macedo Ferreira, Navy Auditor and Registration Advisor. Don Bartolo Fernández, Graduate Sergeant Major of the Sea Artillery Company, was appointed Secretary. During the process he excused himself, being replaced by Lieutenant Colonel Don José María Beruti. And, as defender, General Don Félix de Álzaga acted, after General Tomás Guido and General Félix Olazával excused themselves." [1877]

In the USA, on the same day, ex-envoy to Buenos Aires, Francis Baylies, writes to US Secretary Livingston.

> *"The existing (Buenos Airean) Government have repeatedly denounced the intrusive government under which the decree of the 10th of June (was made) as mutinous, and have recognized none of their laws and decrees… It may be asked why should they exhibit such pertinacity in sustaining Vernet? In my opinion they should have abandoned him without hesitation, had not the interest of some of the leading men in the Govt. been in a degree involved… Vernet will eventually be compelled to relinquish his claims to the Falklands which will become in some way or other the exclusive domain of the ruling family. Hence the strong effort to sustain Vernet."* [1878]

British Packet AND ARGENTINE NEWS.

No. 330.] BUENOS AYRES, SATURDAY, 9th FEBRUARY, 1833. [Vol. VII.

BUENOS AYRES.

With this number concludes the quarter of the British Packet.

We feel considerable pleasure in having this week to enter on abstract in the carried Bill, now requiring the late arrest at the Falkland Islands. It is now a question left for the decision of the respective Governments. In the first necessity of effervescence, it was natural to suppose some similar would take place, but, upon sober further contact thought that mouth of moderation would be offered to British residents for the patient acts of their Government, and we rejoice to find that our opinion thereon has been fully confirmed.

The official journal Lucero, of this city, in its number 976, contains an interesting article in connection with the subject in dispute; part of the said article is as follows:

"It is the object of us what ought to be the conduct of the Government, in the difficult position in which it is placed from the occupation of part of its territory by a friendly power, who claims, without hesitation nor, that nothing appears to us more opposite than to make a like occupation by another power, which is before the eyes of the nations of England to give a position for the others offered to our flag and to our rights."

The Court Martial for the trial of the mutineers of the Falkland Islands, gave the following sentence, viz.: 7 of them to shot at the Retiro, and afterwards to be hung on a gallows for 4 hours; one of the sons, the soldier Saenz Valiente, to have his right hand cut off previous to being hung; he being the chief assistant of Commandant Mestre; 2 to be flogged, viz. the soldiers Mariano Gadea to receive two hundred lashes and 8 years' imprisonment, and Mariano Brigado one hundred strokes and 6 years' imprisonment. The negroes José Antonio Gonella was found guilty of insubordination, and was sentenced to be banished from Buenos Ayres, and placed on half pay.

Senor Valiente is stated to have been a remarkable officer, and, among his crimes, is being mentioned some time since the Commandant of the Island of Martin Garcia. His Council even assured that it would be an insult to public justice, and a mockery of the law, to ask for mercy for such a man.

The Government confirmed the sentence above named, and ordered that all the troops of the garrison of Buenos Ayres should witness the execution of the 7 criminals. The latter were accordingly brought out at the plaza of the Retiro, at 10 o'clock yesterday morning, to undergo the sentence passed upon them.

We did not attend the execution, but are told that the criminals met their fate with firmness. They were conducted from their cells to the place of punishment with their eyes bandaged, and each was attended by a clergyman. From the moment of their apprehension they never expected pardon, and their conduct on board the Rapid schooner, which conveyed them hither, was consistent with that idea.

The spectators were numerous, including a number of females, and a large body of troops attended. Two or three of the criminals exhibited symptoms of life after the first volley, and were fired at again, which terribly mutilated their heads.

SPAIN.

The Montevideo papers contain accounts from Spain to the latter end of November, from which it would seem that liberalism is the order of the day in that kingdom. Amnesty to the Constitutionists, with few exceptions, acknowledgment of the independence of their late colonies—in fact a general and radical reform was in contemplation, and it was affirmed that a treaty of alliance, offensive and defensive, has been adjusted between France, England and Spain.

The Harmony packet, from Rio Janeiro, was not in sight when our paper went to press this morning.

To the Editor of the British Packet.

Sir,—By inserting the following statement in your respectable paper, you will oblige,

Your most obed't ser't,

THOMAS ARMSTRONG.

TO THE COMMERCIAL COMMUNITY.

I have settled amicably, on the 24th ultimo, my accounts with Mr. Samuel Lobos. And, as the public have been misled by reports, as to the sum he has been having before the public, I feel it a consciencious duty to give a brief and concise statement of the facts, as to what has matter really stood between us, wishing thus to prevent any further misrepresentation which our late differences may have created.

I shall then submit for this purpose to publish the definitive result of my accounts with Mr. Lobos.

The general account current, balanced in full, of which I give an extract at foot, shows that since the 16th October, 1825, Mr. Lobos received from me a capital of $100,022 81 rs. which, together with $39,277 14 rs. profit, shows me up to the 31st December, 1832, amounts to $139,299 95 rs.; to this sum is to be added $100,000 0 rs. for my half share of the profits arising from his transactions on joint account, which makes my total amount due me $239,299 95. Mr. Lobos has paid me on account of that sum as follows: $93,301 6½ in money sums, his at various times, up to the 31st May, 1831: $24,817 11 rs. equivalent at 48d. 2 7½ sterling, being the balance due him in the account of his transactions with Messrs. Parish, Turner & Co., of Rio Janeiro; $40,000 in my acceptances protested and taken up by him; $46,757, equivalent at £10 sterling per mount of his draft on his good Capt. Emery, of the barque Tyler, for my account; £5,000 sterling, remitted by the hands of the same Captain, being the difference between the freight paid as per charterparty and the freight received in England; £2000, being the equivalent of £200 sterling, being the amount of the premium of insurance on the said sum of £5,000 sterling remitted; $12,240 2 for my own, he has received; and $40,000 for balance in full, which I have received this day.

The foregoing short outline of our accounts will, I trust, be sufficient to convince the public, for which my name has been unpleasantly brought, as represented in these true light, owing to the very nature of the transactions they refer to. It is true that when I suspended payments my accounts current with Mr. Lobos showed only the sum which he has since received, but I was then in daily expectation from which they were to proceed more not yet closed in Europe or other parts in the way they now appear in our general account current.

The unsatisfactory close is to be attributed to the claim filed against Mr. Lobos by the assignees of my estate, because those gentlemen were guided merely by what they saw stated in my books.

THOMAS ARMSTRONG.

Extract from the General Account Current.

Mr. S. L. Lobos, in act. with T. Armstrong.

Dr. Cr.

To cash paid him, ... $100,022 81
To interest up to 31st Dec. 1825, ... 18,208 2
To my half-share in the profits, ... 100,548 9
$261,280 1

By balance in his favour as per account with Messrs. Parish, Turner & Co., of Rio Janeiro, Rs. $12,277, ... $39,277
By interest on my 2 acceptances protested and taken up by him, ... 15,200
By my half-share of the profits, ... 10,222
By amount of difference of freight per some vessel, £200, ... 2,275
By amount of drawback in the duties on the importation of ... 13,556 2
By amount of sundry sums he has paid me at various times, ... 93,301 6½
By balance due me 31st May, 1831, ... 24,817 11
By balance I have received this day, ... 40,000 0
$261,280 1

Buenos Ayres, 9th February, 1833.

THOMAS ARMSTRONG.

We have been requested by Mr. Armstrong to state, that he shall insert in our next number a reverse statement to the above.

February 9th, in Buenos Aires, the *British Packet and Argentine News* reports that feelings regarding the British action at Port Louis are calming. The article notes that; *"The official journal Lucero, of this city, in its number 976, contains*

1875 *British Packet and Argentine News* February 9, 1833

1876 Peña & Peña 2018

1877 Gallardo 2019. There had been a series of starts and restarts with members of the committee asking to be be replaced, requiring that some witness evidence had to be reheard two or three times. Pinedo had been represented by three defence counsels with the first two asking to be relieved of the duty. Third and last was the Public Defender, General Félix de Alzaga, who was effectively saddled with the job.

1878 Quoted in Manning 1932

an interesting article in connection with the subject in dispute; part of the said article is as follows: "If it be asked of us what ought to be the conduct of the Government, in the difficult position in which it is placed from the usurpation of part of its territory by a friendly power, we should without hesitation say, that nothing appears to us more impolitic than to reply to this usurpation by annulling existing treaties, before we acquire proofs of the resistance of England to give reparation for the offence offered to our flag and to our rights".

February 11th, José Mariá Pinedo is formally charged.

> *".. accused of not having respected the position of the Province in the Malvinas Islands by allowing the commander of the warship Clio of His Britannic Majesty to take possession of them and fly the flag of his nation, lowering that of the Republic."* [1879]

February 13th, *Rapid*, now under charter to Luis Vernet, sails for the Falklands. On board are Matthew Brisbane, Ventura Pasos, a Charrúa Indian (Manuel González), and gauchos Juan Brasido and Domingo Valleja.[1880] Also a new Secretary, Thomas Helsby. Brisbane carries a letter of authority from Vernet.

> *"I hereby name you Agent for my private concerns on the East Falkland Island, and with Authority to see me my property and to see to the proper continuance of the different branches, as far as under present circumstances may be practicable…"* [1881]

"Don Ventura Pasos was a nephew of the distinguished Argentine Don Juan Jose Pasos who, with Senores Chiclana and Saavedra, formed the Triumvirate which governed in the early part of the emancipation from Spain." [1882]

Vernet also instructs Brisbane to cease the practice of issuing paper tokens in lieu of cash. Instead, records are to be kept of what work the gauchos do, with whatever they need from the stores to be deducted against that record.

"… the paper tokens had ceased to have any value at all." [1883]

On the basis of Metcalf's accusations, Vernet's final instruction is that Jean (Juan) Simon should be 'arrested'. [1884]

February 14th, from Buenos Aires, Minister Maza writes two letters to the Confederation's representative in London, Manuel Moreno. In the first he exhorts Moreno to, *"waste no time"* in employing the skills that had recommended the Ambassador to his Government. In the second he points out that Buenos Aires could respond by seizing the property of its British residents - *"measures demanded by public indignation."* But that the government prefers to, *"rely on the power of justice."* Moreno is also required to inform other nation's representatives of the situation.

> "*The United States, France and other maritime powers must be first (informed), that a power as great as England, she is constituted of a vast archipelago on one of the most important channels for trade and navigation, and this circumstance should not be missed…"* [1885]

Also from Buenos Aires, Britain's *charge d'affaires* Philip Gore reports to Palmerston that public agitation at everything British appears to be being fuelled by the government of Buenos Aires. [1886]

1879 Quoted in Canclini 2014

1880 Brisbane, Pasos, González and Valleja had all been taken off the island by *Lexington* in January, 1832.

1881 *Vernet to Brisbane February 11, 1833* in *ADM 1/49.*

1882 Luis Vernet in *AGN Sala VII, Legajo 130, Documento 54 Page 2*

1883 Pascoe 2022 vol.2 p.271. Despite the fact that those gauchos remaining in the islands, undoubtedly still held such tokens. They were being robbed.

1884 See January 27, 1833, above.

1885 Caillet-Bois (6th ed.) 1982 p.348. In his protest, Moreno mis-dates his instructions to January 14, 1833.

1886 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

He also writes of a meeting that he has had with Minister de Maza.

"... in which (de Maza) assured him time and time again that Buenos Aires could not reconcile in any way the action of Onslow with the friendly relations that existed between the two countries, as he could only see the "the right of the stronger to humiliate and suppress a people powerless and again". The Argentine Minister then reiterated the firm desire that encouraged the cabinet to support the unquestionable titles of the Republic, with which it was not intended to break the good relations existing between the two countries." [1887]

On the same day, the evidence against Lt.-Colonel José Mariá Pinedo is considered by the court.[1888] Accused of failing to cause the honour and credit of the Province of Buenos Aires to be respected in allowing the British officer to remove the flag of the Confederation. Pinedo is found guilty.

"They first heard a defence from Public Defender Felix de Alzaga, then decided the sentence and proceeded to a vote. The vote was unanimous: the sentence was to be cashiering for life, ie. permanent dismissal from the armed services;..." [1889]

February 15th, Buenos Aires Public prosecutor, Manuel Ynsiarte, passes the judgment of the Court Martial to Governor Balcarce for his confirmation.

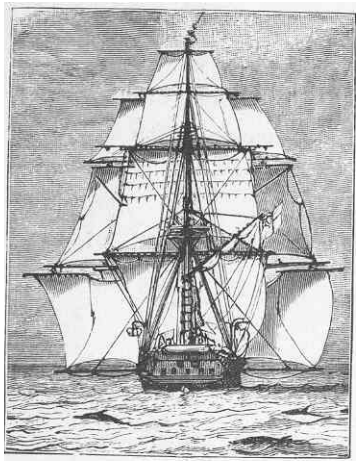
"... a very brief sentence, the leniency of which shows that the defendant was in good standing and that those who judged his conduct took charge of the difficult circumstances in which he had to act." [1890]

February 16th, the *British Packet and Argentine News* reports on Pinedo's trial:

> *"Court Martial of Jose Maria Pinedo. It is reported that on the Court martial of Captain Pinedo there were four votes that he should be shot, and four for cashierment, the President of the Court having two votes, voted for the latter punishment."*

In the Falkland Islands, a French whaler, *Rosa* (Capt. Marshall), anchors in Johnson's Harbour.

In Buenos Aires, Luis Vernet presents an account to his creditors.



"Cost of the Colony of Port Saint Louis as per account with its founder Lewis Vernet. ... The original Spanish Document lays in the Archive of the Commercial Court at Buenos Aires, it was presented by me to my Creditors in February 1833 of which the following is a translation." [1891]

March 1st, at the Falkland Islands, HMS *Beagle* anchors in Berkeley Sound.

> *"The Beagle anchored at the south side of Berkeley Sound..., and remained there till I had ascertained the state of affairs on shore: for seeing a French flag flying near some tents behind Johnson Cove or harbour, and knowing that, in 1831, the flag of Buenos Ayres was hoisted at a settlement in the sound, it was evident a change of some kind had occurred.*

1887 Quoted in Caillet-Bois 1982 (6th ed.) p.348
1888 The court was comprised of General Celestino Vidal as President, assisted by six colonels
1889 Pascoe 2022 vol.2 p.272
1890 Gallardo 2019
1891 This account appears to cover the losses incurred by Vernet's business as a result of the visit by the USS *Lexington* in December 1831, and specifies his costs from 1825 to the end of December, 1831. Vernet seems always to have been in debt to his creditors, and this can be seen as an explanation of the extent to which his business had failed. The translated document (date unknown) may well have been prepared for Vernet's subsequent attempts to obtain compensation from the USA. Translated document here - https://falklandstimeline.wordpress.com/wp-content/uploads/2024/08/cost-of-the-colony-of-port-saint-louis.pdf

Directly our anchor had dropped, a whale-boat belonging to the wrecked whale-ship, 'Le Magellan,' came alongside;... He then informed me that the British colours had been hoisted on these islands by H.M.S. Clio; and that H.M.S. Tyne had since visited the port and saluted the flag;.." [1892]

Charles Darwin describes their arrival in his diary. [1893]

"The first news we received was to our astonishment, that England had taken possession of the Falkland Islands & that the Flag was now flying. - These islands have been for some time uninhabited, until the Buenos Ayres Government, a few years since claimed them & sent some colonists.- Our Government remonstrated against this, & last month the Clio arrived here with orders to take possession of the place.- ... The present inhabitants consist of one ***Englishman****, who has resided here for some years, & has now the charge of the British flag, 20 Spaniards & three women, two of whom are negresses."* [1894]

March 3rd, *Rapid* returns to Port Louis. Storekeeper, and British representative, William Dickson, notes the ships arrival. [1895]

"Brisbane returned from Buenos Ayres without funds..." [1896]

"... Ventura Pasos, Matthew Brisbane and Th. Helsby arrived on the island aboard the schooner Rapid, ...; Brisbane was recognized as chief, .." [1897]

"... with zero presence in the islands Britain was not in a position to prevent the return of civilians, and anyway Britain did not object to their returning." [1898]

March 4th, London's *Morning Post* reports:

"The Clio sloop-of-war, Commander Onslow, had been despatched to take possession of the Falkland Islands; and the Tyne, captain Hope, was subsequently sent to the same quarter. This was in consequence of a quarrel between the Buenos Ayrians (sic) and the Americans, both of whom claimed these islands, but, by orders from England, our men-of-war have now taken possession of them, our Government having set up a prior right to either."

At Port Louis, Matthew Brisbane presents his papers to Capt. FitzRoy.

"Brisbane's instructions from Vernet authorized him to act as his private agent only, to look after the remains of his private property, and they had not the slightest reference to civil or military authority."[1899]

FitzRoy visits the settlement.

1892 FitzRoy 1839 vol.2. The French flag was flying over the make-shift camp of the crew of *Magellan* which had grounded on January 11, 1833. See above.

1893 See https://falklandstimeline.files.wordpress.com/2012/02/charles-darwins-diary-1833-extract.pdf

1894 My emphasis. Dickson, was actually Irish. Darwin was surprisingly well informed considering that HMS *Beagle* had sailed from England in December, 1831. More likely Darwin's diary underwent some rewriting before publication.

1895 *Port Louis Settlement Log (aka Dickson's Diary) ADM 1/42.* Other sources give the date as the 2nd. For a detailed analysis of this record, see Pascoe 2022 vol.2 pp.276-279

1896 *Remarks upon the Present State of the Falkland Islands by Commander Robertson of His Majesty's Sloop Snake January 1835 ADM 1/43.* Vernet, apparently, had told Brisbane that cash would follow. Presumably from the sale of any produce from the Islands, once it had been auctioned.

1897 Caillet-Bois 1982 (6th ed.) pp.376-377 citing *Ventura Paso a Luis Vernet, Malvinas, 4 de abril de 1833*

1898 Pascoe 2020 p.160

1899 FitzRoy (1839 vol.2) described Brisbane as Luis Vernet's agent and '*partner.*'

"... a few half-ruined stone cottages; some straggling huts built of turf; two or three stove boats; some broken ground where gardens had been… with here and there a miserable-looking human being... "How is this?" said I, in astonishment, to Mr. Brisbane; "I thought Mr. Vernet's colony was a thriving and happy settlement. Where are the inhabitants? the place seems deserted as well as ruined."

"Indeed Sir, it was flourishing," said he, "but the Lexington ruined it. Captain Duncan's men did such harm to the houses and gardens. I was myself treated as a pirate—rowed stern foremost on board the Lexington—abused on her quarter-deck most violently by Captain Duncan—treated by him more like a wild beast than a human being—and from that time guarded as a felon, until I was released by order of Commodore Rogers."

"But," I said, "where are the rest of the settlers? I see but half a dozen, of whom two are old black women; where are the gauchos who kill the cattle?"

"Sir, they are all in the country. They have been so much alarmed by what has occurred, and they dread the appearance of a ship of war so much, that they keep out of the way till they know what she is going to do."

I afterwards interrogated an old German, while Brisbane was out of sight, and after him a young native of Buenos Ayres, who both corroborated Brisbane's account." [1900]

March 5th, *Sun* (Stott) arrives back in Berkeley Sound. [1901]

March 7th, in Buenos Aires, the Provincial Governor, Juan Ramón Balcarce announces his final decision as regards Lieut-Colonel Pinedo.

"The Government, taking into account everything previously said and the fairer considerations that the accused officer deserves, as well as making use of the high prerogatives and powers that are vested in him by the same ordinance in his capacity as Supreme Head of the Province, agrees in his absolute separation from the Navy (cashiered) and is suspended from his employment for four months, after which he will be incorporated into the Staff of the Permanent Army: for the following purposes he will pass to the Inspection and General Command of Weapons. Signed Balcarce – Enrique Martínez" [1902]

"The trial had undoubted procedural errors. In addition, the testimonies of English crew members and others such as that of Gomila, accused of murder and abuse of Commander Mestivier's wife, lacked credibility in most of their passages, and the lack of a defender who appeared towards the end of the trial in the person of General Félix de Alzaga, they put me at a disadvantage. However, the conviction was light and those errors were acknowledged." [1903]

1900 FitzRoy 1839 vol.2. Some embellishment by Brisbane.
1901 Sailed again on March 14, 1833
1902 Quoted in Gallardo 2019
1903 Pinedo's Report to *Consejo Superior de las Fuerzas Armadas* 1833. Four months later, following this appeal, Pinedo's sentence was set aside on the basis of procedural '*irregularities*'

"Nevertheless, some 19 months later Pinedo was again given command of a naval ship. The rest of his career was undistinguished. ... It is pleasant to record that he lived to the ripe old age of 90 and died peacefully in 1885." [1904]

The cooper from *Rapid* goes ashore at Port Louis to prepare casks for the transport of rabbit skins from Dickson's store. [1905] Matthew Brisbane dismisses the *capataz* Jean (Juan) Simon, but does not attempt to detain him as instructed by Luis Vernet. Simon, offended by Metcalf's accusations, appeals to Capt. Fitzroy.

> *"In consequence of the representation which have been made to me, by yourself (Brisbane) and by Mr. Jean Simon; - influenced also by my own knowledge of the present state of the Settlement at Port Louis,- I am induced, to take the liberty of recommending you to retain Mr.Jean Simon, in his present employment, until you can again communicate with Mr.Vernet. Having given attention to this affair,- with a view to the future prosperity of these Islands,- as well as to the interests of Mr.Vernet himself,- I see much to regret in the removal of Simon;– whose conduct has evidently been much misrepresented;– and whose services, here, are at present essentially necessary. It appears that the Gauchos are attached to, and confide in him:- if he remains; - they will also wish to remain; but, if he leaves the Island,- they will not willingly remain… I am satisfied,- that, if Simon now leaves the Island, - few,- if any of the useful Gauchos will remain,- … You are at liberty to use this letter as you think proper..."* [1906]

The French whaler, *Rosa* (Marshall), anchors in Berkeley Sound. [1907]

March 15th, in Buenos Aires, Luis Vernet formally resigns his position as Civil and Military Commandant at Soledad.[1908]

From the Falklands, French whaler *Rosa* sails, taking part of the crew of the wrecked *Magellan*.

March 22nd, at Port Louis, *Unicorn* (Couzens) anchors. On board is Capt. Nehemiah Bray and the crew of *Transport*, wrecked at Tierra del Fuego on January 12th, 1833. Also one of the ship's owners, William Low.

"... although considered to be the most enterprizing and intelligent sealer on those shores, perhaps anywhere, the weather had been so much against him (Low) that he returned from his six months' cruise a ruined man, with an empty ship... Passengers with him were the master and crew of a North American sealing schooner, the Transport, which had been wrecked on the south-west coast of Tierra del Fuego, in Hope Harbour; and he told me of two other wrecks, all occasioned by the gale of January 12-13th." [1909]

As a result of Fitzroy's intervention on the part of Jean (Juan) Simon, Matthew Brisbane reconsiders his opinion. A certificate is drawn up for Simon, signed by Matthew Brisbane, Robert Fitzroy, Nehemiah Bray and John Ross.

> *"I hereby certify that, shortly after my arrival at this Island, in March 1833, I ascertained that the conduct of Mr. Jean Simon had been much misrepresented to his employer, Don Luis Vernet; - and that,*

1904 Pascoe 2020 p.160

1905 *Port Louis Settlement Log (aka Dickson's Diary)* in *ADM 1/42*

1906 *Fitzroy to Brisbane March 20, 1833* in *AGN 130 doc.59*.A further testimonial appears to have been drawn up for Vernet in support of Simon, signed by FitzRoy, Brisbane, Ross (*Rapid*) and Bray (*Transport*). In full in Pascoe 2022 vol.2 p.282 citing *AGN VII 132 doc.181*

1907 Same owner as *Magellan*, whose crew were then divided between *Rapid*, *Beagle* and *Rosa* for conveyance to Montevideo. The officers from *Magellan* seemingly went aboard *Beagle*.

1908 Caillet-Bois 1982 p.348 fn.12 citing *Luis Vernet to the Minister of Government V. García Zúñiga March 15, 1833.* Vernet would later claim to have resigned at an earlier date. *cf.* September, 1832 & 1858

1909 FitzRoy 1839 vol.2

after a careful examination and enquiry, - I was satisfied that Mr. Jean Simon had done, for the interests of his employer, - all that could have been expected during the disastrous and unsettled times experienced at this Settlement. I also certify that I am myself fully satisfied of Mr. Jean Simon's honesty, - activity, and knowledge of his business; and I take this, as well as other means of making known my opinion; for his satisfaction, and for the information of those whom it may concern." [1910]

March 24th, Charles Darwin makes a note in his diary.

> *"We have never before stayed so long at a place & with so little for the Journal. … The place bespeaks what it has been, viz. a bone of contention between different nations."*

"During the 1831–35 voyage of HMS Beagle, Charles Darwin (1809–82) paid careful attention to the geology and palaeontology of the lands visited, inspired by his reading of the newly published Principles of Geology by Charles Lyell (1795–1875). Following the voyage, Darwin incorporated most of his geological observations in a series of books and only one locality was described independently: 'On the geology of the Falkland Islands' was presented at the Geological Society of London's meeting on 25 March 1846 and published in the Society's journal later that year (Darwin 1846). The paper was complemented by a description of the Paleozoic fossils, mostly brachiopods, which Darwin had discovered there in 1833 (Morris and Sharpe 1846). These publications unwittingly initiated a geological controversy over the regional geological relationships of the Falkland Islands that remains unresolved." [1911]

With Low down on his luck, Captain FitzRoy purchases *Unicorn* for £1,300; renaming the ship *Adventure*.

> *"A fitter vessel I could hardly have met with, one hundred and seventy tons burthen, oak built and copper fastened throughout, very roomy, a good sailor, extremely handy, and a first rate sea-boat... Mr. Low sold her to me, payment to be made into his partners' hands at Monte Video."*

Low, and nine members of his crew, leave the ship to await passage or work with another vessel. [1912]

> *"Some of his crew being 'upon the lay,' that is, having agreed to be paid for their work by a small proportion of the cargo obtained, preferred remaining at the Falklands to seek for employment in other vessels, others procured a passage in the Rapid, and a few were engaged by me to serve in their own vessel which, to keep up old associations, I named 'Adventure.' …*
>
> *During the month we remained in Berkeley Sound, I had much trouble with the crews of whaling or small sealing vessels, as well as with the settlers, who all seemed to fancy that because the British flag was re-hoisted in the Falklands, they were at liberty to do what they pleased with Mr. Vernet's private property, as well as with the wild cattle and horses. The gauchos wished to leave the place, and return to the Plata, but as they were the only useful labourers on the islands, in fact, the only people on whom any dependence could be placed for a regular supply of fresh beef, I interested myself as much as possible to induce them to remain, and with partial success, for seven staid (sic) out of twelve.... Besides these gauchos, we saw five Indians,... "*[1913]

1910 *AGN VII 132 doc.181.* In Fitzroy's hand, dated only to March, 1833.

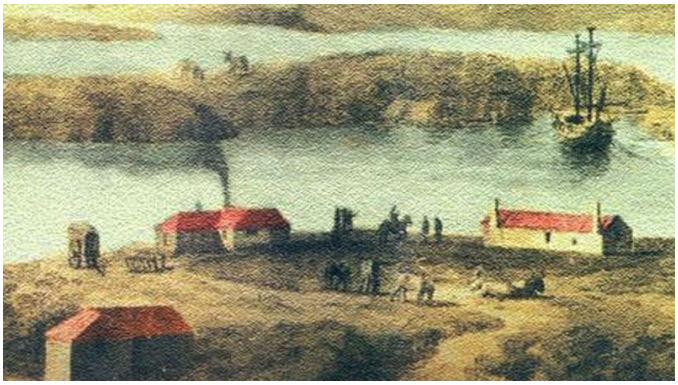
1911 *Charles Darwin's discovery of Devonian fossils in the Falkland Islands, 1833, and its controversial consequences* Philip Stone & Adrian W. A. Rushton 2023. Perhaps rather more for the journal than Darwin first thought. *cf.* 1846. See also - https://www.lyellcollection.org/doi/pdf/10.1144/SP543-2022-190

1912 Those remaining with Low were Henry Channen, John Stokes, Daniel Mackay, Patrick Kerwin, Samuel Pearce, George Hopkins, Joseph Douglas, Francis Machado, and Jose Manuel Pardo. See August, 1833, below.

1913 FitzRoy 1839 vol.2

"... by that time there were only seven gauchos left in the islands,.." [1914]

March 26th, William Dickson prepares a letter for Luis Vernet.



"I have to inform you that when the HMB ship Clio was here, Simon, the capataz, requested me to write a letter to you, and I did so – the Captain of the Clio said he would be again on Shore but the wind being fair he sailed early the following morning without my having an opportunity of putting it on board – and the said letter was torn up in my presence – Since when I have not had a chance of writing to you – The contents of the letter was as follows = The Gauchos said in my presence that the would not work any more <u>for you</u> or on your account and Simon replied to them that they must give you four or fine months to come out or send a person here – and during that time they must work under him on your account as usual = to which they all agreed on condition that he = Simon = would pay them in either gold or silver – and to which proposition Simon consented to = Simon also said that at the expiration of the five months he would have nothing to do with them, unless they would work under him as capataz as heretofore on your account." [1915]

"1. They could not work for anyone else as all the horses were mine. 2. They being owing money, which they had received in advance for future labour, they had no right to demand any payment until the advances were paid up – But the B^s A^s authority having been removed & the new authority left unsupported, everyone thought he could do as he pleased, hence the exorbitant demands of the gauchos." [1916]

March 30th, Charles Darwin writes to his sister, Caroline.

"We arrived here in the Falkland Islands in the beginning of this month & ... We found to our great surprise the English flag hoisted. I suppose the occupation of this place, has only just been noticed in the English paper; but we hear all the Southern part of America is in a ferment about it. By the awful language of Buenos Ayres one would suppose this great republic meant to declare war against England! These islands have a miserable appearance; they do not possess a tree; yet from their local situation will be of great importance to shipping;..."

April 1st, *Sun* (Trott) returns to Port Louis.

April 2nd, in Argentina, Luis Vernet's resignation is accepted; *"... by the Buenos Arean Prime Minister (sic)."* [1917]

At Port Louis, with *Rapid* preparing to depart, Ventura Pasos takes down another letter for Luis Vernet from the illiterate *capataz* Simon.[1918] This details Simon's conduct in the period following the *Lexington* raid; justifying his

1914 Pascoe 2020 p.162

1915 *Dickson to Vernet March 26, 1833* in *AGN VII, 130 doc.60.* Juan Simon appears to have asked Dickson to write this by way of explanation. Simon also asked for a copy (as evidence). See April 15, 1833, below.

1916 Notes added to Dickson's letter by Luis Vernet. Undated. A third note stated "3. *With the expiration of the five months, the massacre of Simon – Brisbane – Dickson & others took place.*" So, at the earliest, written 1834. See August, 1833.

1917 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43.* Also Caillet-Bois 1982 (6th ed.) p.348 fn.12

1918 All in *AGN Sala VII, 130, doc.62.* Also published in 1967 in *El Episodio Ocurrido en Puerto de la Soledad de Malvinas el 26 de Agosto de 1833.* For an English translation see Pascoe 2022 vol.2 pp.717-720.

selling beef and informing Vernet that he has retained the money from those sales for him. Simon also swears his allegiance and complains that Onslow had caused problems by instructing that the gauchos be paid in gold or silver coins. [1919] Further statements are taken from the gauchos in support. [1920]

April 3rd, Brisbane also writes to Vernet, asserting that FitzRoy has placed him in charge of the British flag. [1921]

> *"Brisbane's acceptance of that office, is a direct acknowledgement, on his part, of the King's Rights; - his designating himself as 'Representative' of Mr. Vernet, can only, therefore apply to his character as private agent, for Mr. Vernet's assumed private interests at those Islands, - and would appear to me clearly to involve no assumption, even implied, of any public character..."* [1922]

April 4th, the newly rechristened *Adventure* (*Unicorn)* sails for the Rio Negro, taking Darwin.

In Brazil, a report is published outlining the fishing opportunities in the Falkland Islands.

> *"From the month of October to April there is such an abundance of sea bream fishing that it could be used as food for many thousands of inhabitants and even for exports. 60 miles south of the establishment, where there is also a room for salting the meat, because in this place there are oxen so huge that their skin has the weight of almost 3 arrobas; rabbit skins, whose fur is gray in color, thick, soft and long: dry fish, whose catches, in a given season, will rise to more than 80 tons, and which are sold in South America for 25 shillings every 100 pounds All agricultural products find good prices in Brazil, and whales find on the Island a sure way of life. Mr. Brisbane caught more than £400 of fins on his coast. Fishing for whales in canoes along the coast would be an immense profit."* [1923]

April 5th, from Port Louis, Brisbane sends the *Rapid* back to Buenos Aires with a cargo of hides and skins for Luis Vernet. [1924] Also the gaucho Pedro Salinas.

"... new shipments were directed to London; one, consisting of .., 155 salted hides, 134 dry ox hides and 807 dozen rabbit skins, was transported by the schooner Rapid (3 April 1833)." [1925]

April 6th, sailing from Port Louis, Capt. Fitzoy follows *Adventure* in *Beagle.* [1926]

"Including the crews of some thirty whale-ships, hovering about or at anchor amongst the islands; the men of several American vessels, all armed with rifles; the English sealers with their clubs, if not also provided with rifles; those cut-throat looking gauchos, the discontented, downcast Indian prisoners, and the crews of several French whalers – who could not or would not see why they had not as good a right to the islands as Englishmen – there was no lack of elements of discord; and it was with a heavy heart and gloomy forebodings that I looked forward to the months which might elapse without the presence of a man-of-war, or the semblance of any regular authority." [1927]

1919 Pascoe 2022 vol.2 p.719. Often stated that Onslow paid the gauchos in silver, but this is not what Simon actually said.
1920 Considered in detail in Pascoe 2022 vol.2 pp.287-289
1921 Following criticism from the Admiralty, FitzRoy subsequently denied having altered the arrangements put in place by Onslow. In his letter to Vernet, Brisbane complained that the gauchos had become disaffected; information that Simon had attempted to send in January, 1833.
1922 *Gore to Hood April 29, 1833* in *FO 118/31/102*. Original emphasis. Hood was Consul-General at Montevideo.
1923 *Viagem a's Ilhas Malvinas* in *Jornal do Commercio* April 4, 1833 p. 2. cit., vol.1, no. 8
1924 *ADM 1/42 No.s 1 & 2. Rapid* also carried rather a lot of correspondence. See Pascoe 2022 vol.2 p.290
1925 Caillet-Bois 1982 (6th ed.) p.221 fn.19. Two day discrepancy in the date of departure.
1926 At which point, Matthew Brisbane took over the *Port Louis Settlement Log* (*ADM 1/42*). An attempt, perhaps, to emphasise his authority over Dickson – the British representative appointed by Onslow.
1927 FitzRoy 1839 vol.2

"After the Beagle's departure, the little community at Port Louis were on their own again. The gauchos carried on their usual activity of cattle-catching, and sent supplies to some gauchos at Johnson's Harbour attempting to salvage the stores left in the Magellan..." [1928]

April 14th, in England, news arrives of Onslow's ejection of the Buenos Airean garrison.

> *"Captain Onslow, of his Majesty's ship Clio, has taken possession of the Falkland Islands, on behalf of the British government. There has been a dispute long pending between the United States and the Buenos Ayres government, as to which of them possessed the right to occupy these Island. Captain Onlsow has rendered all future altercation on the subject unnecessary."* [1929]

April 15th, at Stonington, Connecticut, the 790 fur seal skins and 401 pup skins liberated by Duncan and Davison from Vernet's storehouse in January, 1832, finally arrive. Ownership is immediately disputed.

"They were delivered to Captain Davison (by Duncan)... who claimed them falsely as belonging originally to the Harriet. On arrival with those skins in the United States Mr. Burrows claimed them..." [1930]

At Montevideo, *Rapid* (Ross) sails into the port. [1931]

April 16th, the *New York Evening Post* reports.

> *"The excitement on account of the act of the British government in taking possession of the Falkland Islands appears to have somewhat abated. The Secretary of Foreign Relations had addressed a note to Mr. Gore, the British Charge d'affairs, protesting against the occupation of the islands, and asserting the determination of the Argentine republic to maintain its right to possess them. The garrison at Falkland Islands appears to have been composed of a gang of desperadoes, several of whom have now suffered death at Buenos Ayres for atrocious crimes."*

April 23rd, in London, *The Times* newspaper reports:

> *"... we have reports from Buenos Ayres of January 19th. The long-pending dispute between that Republic and the United States concerning the Falkland Islands has been brought to an unexpected head by their taking possession by the HMS Clio with Captain Onslow on behalf of the British Government. The circumstances of which no prior news or explanation has been given, seem to have caused a very angry feeling in Buenos Ayres."* [1932]

In the US, Francis Baylies writes to Secretary Livingston.

> *"The recent transactions at the Falkland's indicate truly what the character of any Colony from Buenos Ayres must necessarily be. An expedition prepared with much parade sent out in a national vessel under the national flag composed of national soldiers, a garrison, formally established military possession, taking the claim of sovereignty and the appointment of the Governor, announced by decree; in short, every thing done to announce to the world the solemn character of the measure. And yet the first act of these selected colonists and soldiers is the murder of their Governor! The new settlement baptized in the blood of its Chief! Any Colony emanating from Buenos Ayres and established at the Falklands will inevitably become piratical.*

1928 Pascoe 2022 vol.2 p.291
1929 *Nottingham Review & General Advertiser for the Midland Counties* Friday May 3, 1833
1930 Luis Vernet in *British Packet & Argentine News* October 14, 1837 in *FO 6/501/254*.
1931 A few days later, moving on to Buenos Aires where she was recorded at on May 24, 1833. See July 12, 1833, below.
1932 Quoted in Canclini 2014

I find I am denounced in high terms by the renegade who conducts the Gaceta Mercantil for disclosing to Great Britain the extent of her rights, as if Great Britain who protested against the occupation of the Falklands in 1829 did not know her own rights!" [1933]

April 24th, in London, Argentina's Minister Plenipotentiary, Manuel Moreno, writes to Lord Palmerston.

"On the arrival of the letters from Buenos Ayres, dated the 14th of January last, by the Brazil Packet which is just come in, almost all the London Journals published the intelligence that the garrison and colonists of the United Provinces in the Malouine Islands, as well as the Schooner of War, the 'Sarandi,' which was stationed in that dominion of the Republic had been compelled to retire, owing to the intimation of Captain Onslow of HM's Schooner of War 'Clio,' and that that officer, on expelling by force the said Garrison and Colonists of the United Provinces, had declared that he was going to take, and that he did take, possession of the Islands in HBM's name, notwithstanding that the discussion respecting them was pending. It is the duty of the Undersigned to request, in the name of his Govt. to be informed whether HBM's Govt. has ordered the expulsion of the garrison of Buenos Ayres from the Malouine Islands,... and whether it has authorized or recognized the declaration likewise reported to have been made by that officer respecting the dominion of those possessions." [1934]

April 26th, *Beagle* (Fitzroy) arrives at Montevideo to drop off the officers from the stricken *Magellan*.

April 27th, in London, Palmerston, although not yet in receipt of any report, responds to Minister Moreno.

"... that the proceedings of the Commander of the "Clio" took place in consequence of instructions given by HM's Government to Admiral Baker, ... Admiral Baker was ordered to send a ship-of-war to the Falkland Islands, to exercise there HM's ancient and undoubted rights of Sovereignty and to act there as in a possession belonging to the Crown of Great Britain; and, of course, if there should be found in those Islands any foreign persons or military force not acknowledging the Sovereignty of HM, the Commander of the ship of war was to request such persons or such military force to withdraw,..."[1935]

"The question of right is therefore directly brought to an issue, as the act of Captain Owen (sic) is thus sanctioned by his Government,..." [1936]

April 29th, at Port Louis, Brisbane instructs the gauchos to build a new corral for the cattle. They refuse.

May 3rd, in England, the Admiralty forwards Commander Onslow's report to Lord Palmerston. [1937]

May 5th, Palmerston sends instructions to Philip Gore, for the information of Buenos Aires.

"... the British Govt, upon this occasion, has only exercised its full and undoubted right. The rights of HM to the Falkland Islands are of ancient standing and have never been relinquished, but have, on the contrary, been recently announced to the Buenos Ayrean Govt. by Mr. Parish's Note of Nov. 1829. The British Govt. at one time, thought it inexpedient to maintain any garrison in those Islands; it has now attended its views, and has deemed it proper to establish a Port there. But HM is not accountable to any foreign Power for the reasons which may guide them in making such arrangements with respect to territories belonging to the British Crown." [1938]

1933 Quoted in Manning 1932
1934 *Moreno to Sir G. Shee 24, April, 1833* in *F.O. 6/500*
1935 *CO 78/1/243.* Also *Palmerston to Moreno 27, April, 1833* in *FO 6/500*
1936 *Evening Mail* Monday September 2, 1833
1937 *FO 6/500/116*
1938 *CO 78/1/239*

"In this way, Great Britain expressed that in its opinion, once the Islands had been occupied, it was not necessary to maintain a presence, and that the title was preserved, dormant but latent. The concept finds some support in Dolzer, who wrote that the requirement of actual occupation is attenuated in cases of insular territories far from the continent and inappropriate for settlement and maintenance..." [1939]

From Buenos Aires, on the same day, Luis Vernet writes to Lewis Krumbhaar in Philadelphia.

> *"Some of my friends advise me to go to America, others to England, others to wait here for the Minister who is expected daily from England, others to return to the Island. For my part, I am confused about the way forward .."* [1940]

May 8th, in Scotland, the *Aberdeen Press & Journal* notes:

> "*The capture of the Falkland Islands by British vessels is an occurrence of more importance than, from the comparatively little notice which has been taken of it, one would suppose. The fine harbour of Soleil (sic) will prove an excellent haven for our ships, and the possession of these islands will serve as a key to the South Sea, as the Cape of Good Hope does to the Great Indian Ocean. Besides, if it were resolved to form a Convict Colony at these islands, the expence (sic) would not be one-half so much, nor the distance so great as to New South Wales."*

May 13th, disgruntled ex-settler Joseph Addyman, aware of the changes wrought by Commander Onslow, writes to Rear Admiral Sir Michael Seymour at Rio de Janeiro. Complaining that he had been forced to leave Port Louis due to Vernet's unreasonable behaviour, and that he had left property behind for which he had not been compensated by Vernet. [1941]

> *"... most of the houses were of turf with thatched roofs, I had one of this kind which I bought off Mr. Philip Ritter, the Governor's Secretary but the house I lived in was a stone one which I built myself, with an English fireplace, and roof was rafters board and shingles, when I had finished my houses, I bought cattle from Vernet, I paid him 12 dollars each, and took them in their wild state, they were 5 Cows, 6 bullocks, and five calves ...*
>
> *I had also a good English sealing boat, with mast, sails, oars, cable and anchor, all these I sold to Vernet, and although the cattle were so much improved he only agreed to give me what I first paid for them and much less for my boat, slay mare, &c. &c. ... but as it happened that made no difference as the (payment) orders he gave me were not good. ..."* [1942]

May 17th, in Buenos Aires, considering the claim from the owners of *Jean-Jacques* (Guérin) for compensation for its abandoned voyage in order to return Mestivier's widow to Montevideo, the Government consults ex-Adjutant Jóse Antonio Gomila.

1939 Peña & Peña 2018 citing *The Territorial Status of the Falkland Islands (Malvinas): Past and Present* R. Dolzer 1993

1940 Quoted in Caillet-Bois 1982 (6th ed.) pp.380-381

1941 Addyman, his wife and children, following some dispute with Luis Vernet, had departed Port Louis on September 25, 1831, aboard *Elbe*. Where he was writing from, Montevideo or Buenos Aires, is not clear.

1942 *Addyman to Seymour May 13, 1833* in *FO 118/31*. In full in Pascoe 2022 vol.2 pp.40-41. The money orders handed to Addyman were to be settled by Vernet's agents in Rio de Janeiro. However, the agents – Messrs Rostron & Dutton – declined to honour the orders as they held insufficient funds in Vernet's name. Whether his complaint ever achieved anything is not recorded, but Addyman did return to Port Louis as his name appears on a list of those taking an oath in September, 1838.

"...Gomila refused to confirm the arrangement he had made with Guérin, and as late as July 1835 no payment had been made. Ernesto Fitte (historian) roundly criticises the Argentine government for not paying its debts; if the Argentine military did indeed remove the relevant documents from the AGN (Argentine National Archive) in 1982, that may have been the reason." [1943]

May 18th, the *Hereford Times* reports

> *"The Falkland Islands: We alluded on Wednesday to the intelligence from the English papers of the intention of the British Government to obtain possession of these Islands. By the ship Isis, arrived from Montevideo, we have received Buenos Ayres papers which announce that that event has actually taken place. Great excitement was produced in Buenos Ayres by a knowledge of this occurrence; the papers were filled with acrimonious articles on the subject, and all the odium lately attached there to the American name appeared to be shifted to the shoulders of John Bull. We see it stated in these papers that Mr. Fox, the British Minister at Buenos Ayres, when that government appointed a political and military commandant of the Falkland Islands, protested against it in the name of England, and invoked the rights of the crown. A letter is also published from the United States, in which it is said,*
>
> > *"England has presented to the government of the United States an official protest or notification, that she is the rightful owner of the Falkland Islands, that Spain has only held them upon sufferance ever since the year 1774."..."*

In the Falklands, sealer *Susannah Ann* (Robert Ferguson) anchors in Johnson's Harbour.

May 21st, at Port Louis, after following a difficult negotiation, Brisbane records that two of the gauchos have agreed to build a new cattle corral for 200 pesos. Simon guarantees that they will be paid in silver.

"... the sale of Fresh Beef to casual Visitors was inadequate to cover the expenses of the establishment, and none of the proceeds of the hides, and jerked beef, shipped off to Buenos Ayres, had arrived to enable him to carry on the business without involving himself in debt, to the gauchos, yet in this situation of his affairs he imprudently entered into an agreement with ***two of them and an Indian****, in the winter of 1833, to build a Corral at a distance from the Settlement, for which, when completed, they were to be paid 200 Silver Dollars, Simon becoming security for the payment;.."* [1944]

"It seems he secured the gauchos' agreement to build it by making promises of payment he could not keep..." [1945]

May 25th, a boy, Manuel Coronel jnr., is born to the indentured slave Carmelita. [1946]

"In the 1851 census he appears as a gaucho." [1947]

May 31st, in Buenos Aires, Governor Balcarce sends a message to the *11th Legislature* of the Province.

> *"... the Commander of His Britannic Majesty's Sloop of War Clio, supported by a superior force, and favoured by circumstances of which you are aware, took possession of those Islands in the name of his*

1943 Pascoe 2022 vol. 2 (Kindle edition)

1944 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in *ADM 1/43*. My emphasis. Juan Brasido was one, while the Charrúa Indian was Luciano Flores. It seems likely that the second gaucho was José Mariá Luna. However, in light of later occurrences, it may have been Antonio Rivero. See August 1833, below.

1945 Pascoe 2022 vol.2 p.293

1946 Carmelita was consistent in including the father's name in that given to the child.

1947 Cirio 2019 p.9. The census also identified his nationality as "*Falkland Is*."

Sovereign. The Government, at the time, acquainted you with the course it intended to pursue. It has accordingly instructed its Minister in London, energetically to protest against this violation of the most sacred principles of the Law of Nations, to demand the restitution of those Islands, and to require such satisfaction as shall correspond with the justice and honour of both Governments, by those means which probity, good faith and sound reason recommend." [1948]

"The Rio de la Plata authorities, who cannot command the obedience of their own continental provinces, and who could never subdue the whole of the continental territory formerly belonging to the Spanish Viceroyalty of the same name, seem extremely disposed to maintain a contest with foreign nations about the most trifling or the most doubtful points of territorial sovereignty... hence they seem disposed to risk the friendship and alliance of Great Britain on the less profitable and more uncertain title to the sovereignty of two almost uninhabited islands near the Tierra del Fuego, while they have not been able to extend their sway to the opposite coast of their own continent." [1949]

"At that time, and for almost another 20 years, the governor of Buenos Aires Province was "charged" with the foreign policy of the whole Argentine Confederation foreign policy. ... any mention of a dispute with a foreign power thus amounted to an official protest to the power concerned." [1950]

June 17th, in London, Minister Moreno submits a *Memoria and Protest* to Viscount Palmerston [1951] regarding the; *"... proceedings of His Britannic Majesty's Government, in assuming the sovereignty and possession of the Malvinas, otherwise called the Falkland Islands, and in forcibly stripping the said United Provinces of a part of their territory and dominion."*

Moreno complains that Buenos Aires had not been informed of the intended action and asserts that there was a *"pending discussion."*

He argues that Magellan *"must have seen the Malvinas"* in 1520 and would, *"according to the proper forms,"* have claimed them. [1952]

Moreno also details Bougainville's occupation, arguing that; *"Spain, who had complained of the establishment in the Malvinas, and who regarded it as intrusive, did nevertheless respect the possession, and the title of first occupant (favor possessionis) vested in the French Government."* [1953]

Considering the events of 1770/71, Moreno contends that Rochford's failure to counter the reservation inserted by Masserano supported Spain's rights. [1954] He also avers to the rumour of a secret, unwritten, agreement to evacuate the archipelago. [1955]

1948 Signed by Juan Ramon Balcarce, Victorio Garcia de Zuniga, Manuel Vicente de Maza and Enrique Martinez. There was no mention of Jewett's supposed act of possession in 1820.

1949 *Evening Mail* Monday September 2, 1833

1950 Pascoe 2022 vol.2 p.295. Moot. Buenos Aires had claimed the foreign ministry in the early days of the Federal Pact, but the extent of its powers to act without the approval of the other provinces were vague and would be disputed in 1882. Also, protests are required to be from government to government. Not via messages to a legislature, however official. *cf.* 1882.

1951 Moreno 1833. Reproduced in full in Perl 1983.

1952 As the Islands are more than 200 miles from the coast of Patagonia, Magellan would have needed excellent eyesight.

1953 Not true. Spain disputed the possession by France. See 1766. Vol.1

1954 Rochford wrote the Spanish 'reservation' of 1771. All that was reserved, was a 'question'. *cf. Falklands Wars* Vol.1

1955 There was no such 'secret' promise. A rumour started by the French Ambassador to London in an attempt to manipulate the 'Alley' (stock exchange). See Vol.1

"Is not this admitting the reservation with which Spain invested itself? … This gives birth to a very strong suspicion that, below the surface of this transaction, there was something mysterious, but withal of so much importance, that it affected, and decided, the nature of the convention."

Moreno connects this to the 1774 withdrawal of the British garrison; *"… in support of the reality of the cession, or, as some English writers explain it, the fulfilment of the contract by each party."* With regard to Clayton's plate nailed to the door of Fort George in 1774, Moreno claims that; *"… long subsequent to the French inscription of 1764 (it) is of no validity,"* adding that as the plate claims all the Falklands Islands, it is *"over-done"* as it seeks to invalidate the; *"… Spanish dominion of Port Luis, acknowledged in the convention of 22nd of January, 1771."* [1956]

Minister Moreno finally argues that Argentina succeeded to the islands from Spain. [1957]

"It is well known to all the world that, by the Revolution which took place on the 25th of May, 1810 and the solemn Declaration of Independence on the 9th of July, 1816, a political community was constituted, in the jurisdiction of Buenos Aires, under the name, style and title of, "United Provinces of the Rio de la Plata," which has been recognised by Great Britain and other principle nations. [1958]

This political community could not exist without territory, as, where there is no independence of territory, there can be no Sovereign State, and thus, as the community acquired the right of Treaties, and that of competency to negotiate with foreign Powers, it also acquired the right of State property (jus in patrimonium reipublicae.) The United Provinces consequently succeeded Spain in the rights which that nation, from whom they separated had possessed in that jurisdiction.

The Malvinas had always been a part of that country, or of that district, and, as such, they formed part of the dominion, or public property of the new state (patrimonium reipublicae publicum); and were claimed, inhabited and garrisoned by its subjects. The sovereignty of the islands, which ceased in the Spanish Government, on the Independence of America, could not pass in succession to England, nor revive a question and claims that were extinct." [1959]

Moreno concludes with a formal protest.

"The object of "the protest," which is as long as Spanish diplomacy could make it, may soon be described, though the dispute to which it refers is of ancient date, and at one time had nearly involved us in a Spanish war. … We scarcely know whether the subject is worth disputing – but … the arguments of the Buenos Ayres

---

1956 While, arguably, Clayton's plate only claimed Falklands Isle (West Falkland), there had been no acknowledgment of Spanish dominion over Port Egmont in 1771, or thereafter. *cf. Falklands Wars* Vol.1

1957 Not recognised in what stood for international law either in 1810, 1816 or 1833. Spain did not formally recognise Argentina's independence until 1863. Britain had recognised the *de facto* separation of the La Plata provinces in 1823, but would not recognise Argentina's territorial rights (without the Falklands) until the treaty of 1850. Moreno's failure to mention two British protests (1829 & 1832) stands out as a notable oversight.

1958 Canning may have recognised the existence of the United Provinces *de facto* (in fact), but assured Spain at the same time that he had not done so *de jure* (in law). See 1810 and 1816 for a variety of opinions on this.

1959 Those newly independent American nations would spend decades arguing over where their borders lay. Two hundred years later, some still are. The reality on the ground, in that period, was that a newly independent country – attained, not merely declared – was recognised as having the territory it held (effective occupation). Not necessarily the same area as its predecessor. So, the Argentine Confederation could only claim the territory it controlled. In 1833 that was simply nowhere near as large as the area controlled by the Spanish Viceroyalty, which had included Paraguay, Uruguay and parts of what is now, Bolivia. Also, Spain had not abandoned its claims to any of the American colonies. Madrid would not agree to start that process until the Cortez of 1836. In 1833, Spain clearly still held far greater rights to the Island of Soledad (East Falkland) than Argentina. Or, indeed, the UK, despite Britain's inclination to see the archipelago as a single unit.

Envoy might be easily answered. We have for more than 60 years considered the Falkland Islands as our own, both by the right of prior discovery and the claim of first occupancy. We asserted that claim against the French in 1765, and we did not surrender it to Spain, which purchased the departure of their French allies. Our rights have hitherto remained as they were in 1774, and surely Buenos Ayres, which derives all its rights through Spain, cannot be allowed to invade a possession which Spain never could prevail upon us formally to abandon." [1960]

"... this elaborate document concludes by formally protesting against the sovereignty lately assumed in the Falkland Islands by Great Britain, and against the spoliation and ejection of the Republic's settlement in Port Louis,..." [1961]

"Moreno contended that, since no nation could support its claim to first discovery by actual possession within a reasonable time, then contiguity must be considered. Spain was the only nation which could claim that the Falkland Islands were accessory parts or outworks of the South American continent and conducive to her imperial safety; it was more reasonable for Spain to keep possession of points adjacent to her American coasts than to forgo her rights in favour of another Power more than 3,000 miles away." [1962]

"Spain must surely be regarded as having established effective control (and therefore sovereignty) over East Falkland. Moreover, Spain's title survived the departure of the Spanish in 1811, because there is no evidence that Spain intended to abandon sovereignty; physical departure from territory does not lead to loss of sovereignty over that territory unless it is accompanied by an intention to abandon sovereignty." [1963]

"These arguments present some serious flaws; contrary to Britain, Spain never founded its claim to the Islands on discovery but on the Papal Bulls and the treaties that followed. Moreover, there is no agreement as to which nation was the discoverer of the Islands, and even if such agreement existed, it was by then universally admitted that discovery alone was insufficient to confer titles of sovereignty when not followed by actual occupation and demonstration of the will to possess. There is no record of France having sold its rights to the Islands to Spain, nor of Spain having purchased them. Such transaction would have meant the admission by Spain of a French right to the Islands and a denial of its own, because no-one can reasonably buy what one already owns. ... The argument that Britain abandoned the Islands in 1774 is also weak..." [1964]

June 18th, in London, in an undiplomatic appeal to public opinion, Moreno publishes his government's protest in *The Times* newspaper. [1965]

"... he published in the Times the Message of the Buenos Aires Government and the response given by Gore "so that the Public is aware of the fact of the lack of intimacy and the contradiction in which he has incurred". At the same time he had the protest Memorandum printed in French[1966] *and English, in the hope of giving it as much publicity as possible."* [1967]

1960 *Evening Mail* Monday September 2, 1833

1961 *London Courier & Evening Gazette Monday May 19 1834.*

1962 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490.* For a consideration of *contiguity* (geography) in international law, see 1928 (*Falklands Wars* vol.3).

1963 *Memorandum* submitted to the Parliamentary Foreign Affairs Committee in 1983 by Dr. M. Akehurst, *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*

1964 Peña & Peña 2018

1965 See - https://falklandstimeline.files.wordpress.com/2012/02/ambassador-morenos-published-protest-1833.pdf

1966 *Protestation du Gouvernement des Provinces Unies du Rio de la Plata par son Ministre Plenipotentiaire a Londres, sur l'abustation de souveraineté dans les Iles Malouines par la Grande Bretagne et l'extitution de l'établissement de Buenos Aires a Port Louis*

1967 Caillet-Bois 1982 (6th ed.) pp.350-351 citing *Manuel Moreno to Felipe Arana, London, July 3, 1833, in Archive of the Ministry of Foreign Affairs, Buenos Aires, Political Division, Malvinas Islands, First Declaration*

Britain's King William IV orders a search of the 1770/71 archives.

June 19th, Bolivia writes to Buenos Aires with regard to the; "*(a) violation of international law which must be considered not only an outrage to Argentina but one that involves contempt toward other American nations."*

> *"The occupation of the Falkland islands, **without previous claims**, without any just title, without any other support than the abuse of power, has been sensibly felt by the government of Bolivia, … the conduct of the British Cabinet with respect to the Falkland Islands, is not only prejudicial to the Government which has been despoiled of their possessions, but offensive and extremely injurious to all the American Republics; and it is, in the opinion of the Government of Bolivia, an affair highly continental.*
>
> *Under this view, it will with pleasure not only enter into aid in whatever may lead to the reparation of so grievous an offence – but likewise sincerely desires that it may be accounted among the first to reclaim and obtain, by those measures which may be deemed most convenient, indemnity for the injurie (sic) sustained…"* [1968]

"January 23, 1833 – Governor Balcarce communicates to the American republics the attack committed by England, only Bolivia responds by expressing its adhesion." [1969]

July 8th, at Port Louis, Pedro Fermin dies; *"… after a long, lingering sickness of eight months, six of which he was confined to his bed."* [1970]

July 12th, in Buenos Aires, Minister de Maza again requests an explanation from Philip Gore*; "On July 12, Maza – after allowing adequate time for Gore to receive instructions or reports from London –demanded "some explanations" concerning the verified invasion of Port Louis."* [1971]

American sealer *Talma* (Allen), out of New London, hunts at the Falkland Islands.

At the Rio de la Plata, *Rapid* (Ross) stops off at Montevideo en-route to England with a cargo from Luis Vernet consisting of salted and dried ox hides.

July 13th, Gore acknowledges de Maza's note. *[1972]*

"… on the 13th he responded (to) him declaring that the "British Government on this occasion has only exercised its full and undoubted right". He recalled, also, that in 1829 Parish had made known the claims of England and, finally, he added that if his homeland, he believed, (had) for some time, (found it) unnecessary to keep a garrison in the archipelago, (it) had now altered its view, (and) the King was not responsible "to any Foreign power for reasons that may guide him in making such an arrangement, with respect to Territories belonging to the British Crown"…" [1973]

1968 Quoted in the *Public Ledger & Daily Advertiser* Wednesday November 27, 1833. My emphasis. Bolivia was unaware of the protests of 1829 and 1832 which remained unpublished by Buenos Aires. Worthy of note that Bolivia, or part of it at least, had been within Spain's Viceroyalty of the Rio de la Plata and could, on the basis of inheritance, have claimed part of the Island of Soledad (East Falkland).

1969 *Rosas y las Malvinas* Absalón Rojas 1950 pp.42-43

1970 *Port Louis Settlement Log (aka Dickson's Diary)* in *ADM 1/42.*

1971 Caillet-Bois 1982 (6th ed.) p.351

1972 *Gore to Palmerston August 8, 1833* in *CO 78/1/261*

1973 Caillet-Bois 1982 (6th ed.) pp.351-352 citing *F. G. Gore a M. V. de Maza, Buenos Aires, 13 de julio de 1833* in *Archivo del Ministerio de Relaciones Exteriores, Buenos Aires, División Política, Islas Malvinas, Primera reclamación, …, fs. 111 y 111*

On the same day, Consul Charles Griffiths notes in a letter, the complaints of a British citizen in Buenos Aires with regard to the local population; *"Each time I dislike them all the more because there is no satisfaction given either in political or private matters, and one can not trust them or their words or their professions. Also they are retarded to a worse degree than the old Spaniards. (They) are so mad with vanity and conceit, both companions of ignorance..."* [1974]

On the same day, Argentine Minister de Irigoyen writes to Minister Moreno in London.

"In July, 1833 M. de Irigoyen let the Argentinean Minister in London know that the government approved of his conduct, and it hoped that he would redouble his zeal in fulfilling the orders that he had been advised of on the 14th of February. The political storm which, by then, hovered over Buenos Aires ... forced him to adopt an existing measure of prudence, hoping that the invader, "better educated", would recognize the legality of the Argentine claims;... it was insisted (on) that Moreno extensively enlighten the diplomats of the maritime nations about the evils that the British occupation and what everyone considered (to be) the key to the Pacific ... (however) the ministers unanimously agreed that our representative should remain in London "vigorously claiming by all means established by the law of nations, the possession of the Malvinas Islands by the Republic, and clearly manifesting its uncontestable right ..."..." [1975]

July 22nd, in London, speaking before a Parliamentary Select Committee, Charles Enderby reports that his company has seven ships employed in the Southern Whale Fishery. [1976]

July 23rd, on East Falkland, when the cattle corral ordered by Brisbane is finally completed, the gauchos are unhappy to discover that there is no money to pay them. Despite the guarantee provided by Jean Simon. [1977]

"When the Caral (sic) was finished, neither Brisbane or Simon could pay; - this added to some other grievances, either real or pretended,.." [1978]

"... Vernet's remarks suggest a slightly different course of the dispute: he implies the men had made the walls of the corral too low, and that Brisbane had then refused their offer to go out again and make them higher, thus avoiding having to pay them." [1979]

August 7th, from London, Minister Moreno writes to Buenos Aires to report his opinion that France, Holland, Switzerland or Denmark would be those nations most suited to undertake any arbitration. [1980]

"The idea of submitting the decision to an arbitrator was also considered by Moreno ... but (his Government) was of the opinion that it was advisable to let England make the proposal in this regard." [1981]

In the Falkland Islands, those remaining at Port Louis are:

"*Capt. Matthew Brisbane, superintendent; Thomas Helsby, William Dickson, Don Ventura Pasos, Charles Kussler, Antonio Vehingar, (known at Buenos Ayres as Antonio Wagnar,) Juan Simon, (Capataz,) Tanstin (Faustino) Martinez, Santiago Lopez, Pascual Diaz, Manuel Coronel, Antonio Rivero, Jose Maria Luna, Juan*

1974 *Griffiths to Bidwell June 13, 1833* quoted in Caillet-Bois (6th ed.) 1982 p.335. Caillet-Bois quoted this to demonstrate the outburst of public feeling following news of *Sarandi's* ejection from Port Louis – despite it being written 6 months later. Caillet-Bois employed the quote out of context, so I replace it on the date it was written.

1975 Caillet-Bois 1982 (6th ed.) pp.352-353 citing *M. de Irigoyen a Manuel Moreno, Buenos Aires, 13 de julio de 1833*

1976 *Report from the Select Committee on Manufactures, Commerce & Shipping* August 1833 p.512

1977 Brisbane seemingly had hoped that money would arrive from Luis Vernet, before the debt needed to be settled.

1978 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in *ADM 1/43*

1979 Pascoe 2022 vol2. p.299

1980 A response dated October 19, 1833, from Minister Ugarteche, basically said; *"we'll let you know."*

1981 Caillet-Bois 1982 (6th ed.) p.353

Brasido, Manuel Gonzales, Luciano Flores, Manuel Godoy, Felipe Salazar, and Lattorre (the last five being Indians, having been sent by the Governor of Monte Video to this island for bad conduct); three women, viz. Antonina Roxa, Gregoria Madrid, Carmelita and her two children. Also, Captain William Low, and a boat's crew, late of the schooner Unicorn, were temporary residents ... viz. Henry Channen, John Stokes, Daniel Mackay, Patrick Kerwin, Samuel Pearce, George Hopkins, Joseph Douglas, Francis Machado, and Jose Manuel Pardo; likewise two men of colour .... honest John and .... (Antonio Manuel.)" [1982]

"There were now eight gauchos left: Juan Simon (the capataz), Juan Brasido, Manuel Coronel, Pascuel Diez, Santiago Lopez, José Mariá Luna, Faustino Martinez and (Antonio) Rivero..." [1983]

August 9th, at Port Louis, American sealer, *Sun* (Trott) returns.

August 12th, Francis Machado informs Henry Channen that some of the gauchos are planning a 'revolt' and that it is only the presence of the ex-*Unicorn* sealers that is delaying it. [1984]

"The gauchos were hired at high wages, which Vernet agreed to pay in Silver Dollars, and it appears he did well, as long as he could pay his men with such coin for catching the cattle; but ... then he began to pay his gauchos in paper money, instead of silver, as he was bound to do by his contracts. He allowed only one store, which was his own, and prohibited others from selling on the Islands, or even on board the Vessels that occasionally touched at the Port;- for a quart of treacle he charged about 3/- Sterling, and a bottle of Spirits, of the worst description which costs -/6 (sic) at Rio, he sold for a Spanish Dollar, and other articles at the same unfair rate:..." [1985]

August 14th, Britain's Admiralty informs the Foreign Office that they have written to Rear-Admiral Seymour at the Rio station, with an instruction to post an officer to the archipelago.

> *"... to appoint a Lieutenant from under his command to reside and take charge of the British Interests at the Falkland Islands... together with a boat, and boats crew of four men..."* [1986]

August 15th, at Port Louis, Matthew Brisbane is warned by Henry Channen that there may be a 'revolt'. Brisbane dismisses the rumour. [1987]

August 17th, *Sun* sails, with Nehemiah Bray as a passenger.

August 25th, Henry Channen and George Hopkins, both ex-*Unicorn* sealers, are invited to dine at gaucho Antonio Rivero's dwelling. Also present are, Juan Brasido, Jóse María Luna, Manuel González and Latorre.

"... in the course of conversation, they asked me (Channen) if I had ever been Mate of a Vessel, I answered no. They then demanded if they brought about a ***Revolution*** *was there any chance of their getting away, I told them it was probable as by going to the West they might fall in with the Chaloupe. I heard Rubio say in Spanish repeatedly while Anto Rivero was speaking that this night the blow must be struck."* [1988]

1982 *The Nautical Magazine* 1834. Domingo Valleja, a gaucho who had arrived with *Rapid* on March 3, 1833, had been taken ill in June and died. Gaucho Pedro Fermin in July also. Misspellings of Channon/Channen appear regularly.

1983 Pascoe 2022 vol.2 p.300

1984 *Smith to Seymour March 8, 1834* in *PRO Adm 1/42 doc.9*

1985 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835 ADM 1/43*

1986 *CO 78/1/257*

1987 *Smith to Seymour March 8, 1834* in *PRO Adm 1/42 doc.9*

1988 *ADM 1/42 doc.9*. My emphasis. The word *revolution* was deliberately misinterpreted in the 20th century to suggest that these gauchos and Charrúa indians were intent upon a political uprising to overthrow the governing authority in the Islands – the British. Those targeted suggest otherwise, as they were all employees of Luis Vernet. *cf.* 1956 & 1966

"(Jose Maria Luna says) The cause of the disgust which led to the murder of Brisbane and the others was the paying them in paper instead of silver as had been agreed upon. 1 Rivero or antook, 2 Luciano 3 Godoy 4 Salazar or Felipe 5 Latorre 6 Juan Brasilio or Rubio 7 Gonzales 8 Luna were the eight who determined on a Revolution." [1989]

After the meal, the two sealers return to the ex-*Unicorn* men's house, to relate what they have heard. Shortly after Juan Brasido (Rubio) arrives, wishing to borrow a musket but is refused, so he asks for charges of powder and balls.

"Henry Smith added a note in faint lead pencil on the back cover of Thomas Helsby's journal: "They had the Carpenter (Channen) & George Hopkins cast balls and gave powder to Rubio the night previous to the murder"..." [1990]

August 26th, from Port Louis, at 7am in the morning, William Low, with two other ex-*Unicorn* sealers, an ex-*Transport* seaman and a gaucho, set out to hunt seals; watched by Matthew Brisbane. [1991]

"Matthew Brisbane filled in the date for Monday 26 August in the 1833 Port Louis Log, but he never got any further. Early that morning he went down to the landing-stage to see off Captain William Low..." [1992]

After the sealing party has departed, gaucho Antonio Rivero leads an attack on the settlement's principle citizens. Jean (Juan) Simon is murdered near the house he shares with Matthew Brisbane, who is shot in the kitchen.[1993] Ventura Pasos is wounded and left for dead. The conspirators then move to the point and kill storekeeper William Dickson. Antonio Vahinger (Wagnar) is murdered outside his house. [1994]

> *"I met Antonio Rivero, Jose Maria Luna, Juan Brasido, Manuel Gonzales, Luciano Flores, Manuel Godoy, Felipe Salagar and Lattorre, running towards the point armed with muskets, pistols, swords, dirks and knives. It was very evident they were going to kill someone, and I hastened towards the house of Captain Brisbane, for the purpose of informing him of what was going on.*
>
> *On my arrival I was alarmed at finding the doors locked and after knocking some time, was surprised at learning from two of the women that the aforesaid eight men had killed Captain Brisbane, Capitaz Juan Simon and had left Don Ventura for dead, he having been wounded by a musket ball in his throat, his head cut open, and his hand almost cut off by a sword, afterwards he escaped by a back window, and reached the house of Antonina Roxa, about 50 or 60 yards distant.*

1989 *ADM 1/43.* Also *PRO HO 48/3 cf.* March, 1835.

1990 Pascoe 2020 p.163

1991 With Low (ex-*Unicorn*) went Francis Machado (ex-*Unicorn*), José María Prado (ex-*Unicorn*), Antonio Manuel (ex-*Transport*) and a gaucho, Faustino Martínez. Just how much Low knew is not clear, but there is no indication that he attempted to warn Matthew Brisbane. While 'revolt' does not necessarily mean 'murder', the fact that the conspirators had armed themselves should have rung alarm bells. Low seemingly wished to put some distance between himself and Port Louis. Later, somewhat surprisingly, Rear-Admiral Hamond dismissed suggestions that any of the ex-*Unicorn* sealers had been complicit despite two of them supplying ammunition to the conspiracy.

1992 Pascoe 2020 p.163

1993 If Luis Vernet was the first official representative of the province of Buenos Aires, then Juan Simon, appointed by Lieut.-Colonel Pinedo in January, 1833, was the last. Irishman William Dickson had been appointed as the British representative by Onslow in January, 1833, but other than raising the Union flag on Sundays, he does not appear to have had any real authority. First and foremost, he was a Vernet employee. See Pascoe 2022 vol.2 pp.315-316

1994 If the *Lexington* Raid of 1831 was the penultimate nail in the coffin of Vernet's business aspirations on Soledad Island, then this was the final blow. The attack was aimed squarely at Vernet's business managers, in particular Matthew Brisbane and Juan Simon. The two who had made promises regarding payments that they simply could not keep. For that they died. Together with those others closely associated with Vernet – such as his storekeeper Dickson. This was not a revolution against Britain; quite the contrary - this was a workers revolt against the management.

On my way up from the point, I heard two musket shots fired at the house of Antonio Wagnar, where they killed him, and William Dickson, to which two of the boats crew Joseph Douglas and Daniel McKay, were eye witness. …

They then returned to the house of Captain Brisbane, and not finding the body of Don Ventura, searched for him and on finding him, he ran out, when I saw him killed by their firing 2 or 3 musket shots at him." [1995]

"(Jose Maria Luna says) Simon was the first killed … by Rivero with a musket. The Ball broke his arm and entered his side… Did not see this murder but heard Rivero say he had done it and describe the manner. Brisbane was the second killed & in his own house did not see this but heard Rivero say he shot him as he was getting his pistols – and Luciano said He stuck him in the side with his knife. Saw the gunshot wound and the stab after Brisbane was dead. Saw them chasing Ventura as he ran at the back of the house. I saw Latorre throw his Balls and catch him by the legs so that he fell. Saw Rubio and Luciano strike him with swords. … broken open Simon's house and taken swords guns and pistols from it. … Antonio (Wagner) was first killed here. Rivero/Antook called him out he came stooping low Antook put a musket to his side and shot him and he reeled a few paces fell on the ground when he was cut over the head by Luciano and the others who surrounded him. Guiliermo (Dickson) was the next killed… he ran… Felipe who was on horseback rode after him and cut him down with a Sabre. The rest ran up and fell upon him. … Two Englishmen ran away from the house… did not kill the Englishmen because they intended to make them convey them to Patagonia." [1996]

"(Daniel McKay says) he was in Wagners house when seven men on foot and one on horseback came. He does not know them all by name but can point them out. Knew Felipe (Salazar) he was on horseback: saw him cut Dickson down with a Sabre and saw Dickson shot afterwards but by whom of the party he cannot say for he was too much alarmed to distinguish. Saw Felipe's brother as he is called (Latorre) beating Wagner on the head with his Balls (*These stones of a pound weight each, connected together by hide thongs i.e. knocking him on the head) when he was on the ground, then he (McKay) and Douglas ran for their lives. Dickson and Wagner were called out of the house by the murderers and killed outside. … Knows the old man Luna. Saw him of the party on foot with a horse pistol in his hand."* [1997]

"Don Ventura and my other agents were murdered in Aug 1833 by some Indians … and some runaway sailors." [1998]

"In August of the same year my agents and the principal settlers were massacred." [1999]

"On the verge of trance, Antonio Rivero, in a superb expression of life and spontaneity, without hesitating, ordered the uprising… The English flag on the flagpole in front of the Irishman's store… was visible some five hundred meters to the south; towards it, with a sort of gigantic, epic energy, the rebels made their way. Dickson… emerged from the store shooting, and received a shot that stopped him. The gauchos, carried almost to frenzy, with patriotic fury, pulled down the English flag and, delirious, raised that of Belgrano,.." [2000]

1995 Taken from *Thomas Helsby's Account*. In full in Pascoe 2022 vol.2. For an extract from Helby's account see https://falklandstimeline.files.wordpress.com/2012/02/helsby-account-1833.pdf

1996 *ADM 1/43.* Original emphasis. Also *HO 48/3 cf.* March, 1835.

1997 *ADM 1/43*. Original emphasis. Statement taken by Rear-Admiral Hamond in January, 1835. *cf.* March, 1835.

1998 Luis Vernet in *AGN Sala VII, Legajo 130, Documento 54 Page 2.* See also *The Case of Antonio Rivero and Sovereignty over the Falkland Islands,* Richard Ware 1984 in *Historical Journal* no.27 vol.4 1984.

1999 *Vernet to the Earl of Derby, April 26, 1858* in *CO 78/43*

2000 *Toponimía Criolla en las Islas Malvinas* Martiniano Leguizamon Pondal 1956. A work of fiction, this book is the source of the myth of Rivero as a revolutionary hero.

"The motive was that Rivero and his men were being paid, not in British money but in paper chits... it should be emphasised that at no time did either Rivero or any of his companions declare that the act committed by them had the aim of rebelling against British domination." [2001]

"Two gauchos and five Charruas Indians led by Antonio Rivero, who worked the cattle in the field, arrived in Port Soledad and because Juan Simon, had denied the change of metallic money, rather than vouchers they made a killing in cold blood of Vernet's men namely the foreman Juan Simon permanent manager of the Argentine government, Brisbane, Vernet's henchman, one German, one Spanish and Scottish Dickson (sic)." [2002]

"Guacho Antonio Rivero is identified as a native or born in Entre Ríos. He was a humble country man who worked in the cattle area. In Puerto Luis, the capital of the islands, he worked as a ***sheep shearer*** *for Governor Luis Vernet. During the English invasion of the islands, peons like him lost some rights, one of the most relevant was to be able to use vouchers with which they were paid for their work carried out with Luis Vernet as governor and they were not allowed to feed on the available cattle. This forced them to hunt wild animals and to have needs that did not happen before, these issues motivated a reaction from a group of gauchos and Indians commanded by Antonio Rivero who provoked an uprising to take control of the islands. It is believed that during the taking of the Falkland Islands by the group led by Gaucho Rivero, the Argentine flag was raised between August and October 1833,.."* [2003]

"In those days, "the small colony was the theatre of disorders and murders; the settlers brought by Vernet and some Indian prisoners who had been handed over to him by the Argentine government, rose up against the representatives of Vernet and some other settlers and destroyed what was still left of the small colony."..." [2004]

"... Rivero was the only Argentinian in his gang of murderers. The others were a Chilean, a Uruguayan and five Charrua Indians from Uruguay." [2005]

"Rivero personally shot dead Juan Simon, Matthew Brisbane, William Dickson and Ventura Pasos; Dickson was also struck on the head with a sword by "Felipe Salazar"; Pasos was struck with a sword by "Luciano Flores" and "afterwards" shot with a pistol by Juan Brasido; Vaihinger was wounded by several members of Rivero's gang, but the witnesses leave it unclear who actually killed him." [2006]

While Brisbane's house is being ransacked, eight of the surviving residents secure themselves in the house used by Capt. Low and the ex-*Unicorn* sealers.

"At this time however, Captain Low and four of the Boats Crew were absent on an excursion in search of Seal Skins, and five of the Settlers who had not been murdered, were unable to reach the House, so that the party collected for safety in it consisted only of 8 persons being in number equal to the Murderers, but for the most

2001 *Dictamen* (Opinion) of the Academia Nacional de la Historia de Buenos Aires dated April 19, 1966. Signed by Argentine historians Ricardo Caillet-Bois and Capitán Humberto Burzio.

2002 Laurio H. Destefani speaking at Argentina's National Academy of History, August 8, 1972, where a paper by historian Ernesto Fitte entitled '*The National Academy of History and the blood in 1833 Malvinas'* was considered. This concluded that the riot of August, 1833 had no political character. Dickson was Irish. Brisbane was Scottish. *cf. Falklands Wars* vol.3

2003 *Análisis de la toma de decisiones y del proceso de negociación en la cuestión malvinas desde 1983 hasta la actualidad. avances del proyecto* Susana Pereyra & Leandro Nicolás Argento 2016. My emphasis. Utter nonsense. Sheep? In 1833? Sheep were not introduced until 1840, and Argentina's flag had been removed by Pinedo some eight months before. The suggestion that the gauchos wanted to be paid in paper tokens and had to eat wild animals is pure fiction. It was the failure to pay them in silver that created the tension.

2004 *El 1 de marzo de 1883: Las Malvinas están pobladas por 846 hombres y 568 mujeres* Bernardo Veksler citing *Mision al Cabo de Hornos* Louis Ferdinand Martial 2007 in *El Diario del fin del mundo* March 1, 2018

2005 Pascoe & Pepper 2019

2006 Pascoe 2020 pp.163-164

part unarmed. The Murderers took possession of a house which overlooked the one in which they had taken refuge, and in this state the parties remained for the night…" [2007]

August 27th, to the survivors, Rivero offers; *"… a parley, but this being refused, they partially withdrew; and some of the party from the house then ventured to the settlement to examine the extent of the mischief and to bury the dead. The Murderers had taken with them all the arms they could collect, and all the Horses; they had also cut adrift all the Boats in order to prevent the escape of the party in the House."* [2008]

August 28th, the eight residents in Low's house, are joined by others.

"… four of the men who had been missing, and also the 3 women and 2 children joined the party in the House, and one of the Boats that had been cut adrift, being secured, the whole of them removed for greater security into an island distant at low water about 250 yards from the shore, called Hog Island: One man was still missing (Black John) but he joined them a few days afterwards…" [2009]

On Hog Island, in Berkeley Sound, the Union Jack is flown by the remaining settlers. [2010]

August 29th, in Spain, the Director of the *Hydrography Department*, Don Martin Fernandez de Navarrete, is tasked by his government with answering the question as to the sovereignty of the Falklands raised by the US Minister in April, 1832. Navarrete is specifically requested to provide; *"… this ministry with the data it can gather with the other indications which he deems appropriate, to place his Majesty in the case of deciding in the matter with the proper knowledge of the cause, according to what is more in accordance with the interests of Spain."* [2011]

2007 *George Gipps, August 2, 1834* in *CO 78/01.* George Gipps was private secretary to the First Lord of the Admiraly.
2008 *Ibid*
2009 *Ibid*. Gipps gives the date as August 29, 1833. The date of the 28th, comes from Lieut. Rea.
2010 *Rea RN to Commanding Officer, South America Station Nov. 18th 1833* in *The Nautical Magazine* 1834.
2011 Quoted in Quesada 1904. According to Vicente Quesada, a note in the margin suggested that the Spanish Crown only made the decision to respond to the request by Van Ness, on August 23, 1833. Following the *Lexington* Raid, the US Government sought answers as to Buenos Aires's rights to the island of Soledad. Washington needed to know what Spain's position was. Presented with the question by the US Minister in Madrid in 1832, Spain had been in no hurry to answer. It is likely that they only chose to look at the issue after Britain's ejection of the Buenos Airean garrison at Puerto Louis became known. With a very public fuss going on in South America, it would be surprising if Madrid had remained unaware.

September 2nd, in the Falklands, those on Hog Island move to the more defend-able Turf (or Peat) Island. [2012]

September 4th, from London, referring to the Admiralty orders of August 14th, Palmerston writes to Gore in Buenos Aires; *"You will not fail to notify to the Buenos Ayrean Govt., the step which you will learn from the enclosed letter the Lords of the Admiralty have directed to be taken for the protection of HM's rights in the Falkland islands."* [2013]

September 7th, in Buenos Aires, Ministers Belcarce and de Maza address a letter to the House of Representatives to inform them of the actions taken against the British Government.

> *"... the conduct observed by the British Cabinet in this affair was most extraordinary, so is the silence of the Charge d'Affaires, ad interim, near the Republic, as well as his total ignorance of the act of the Clio. Notwithstanding the Government never could persuade itself that the British Cabinet would prefer a line of conduct as captious and deceitful as it was unnecessary, because it never entertained the least idea that a great and civilised nation would proceed to take the scandalous step of dislodging the occupant of a territory without previous notice, without regard to forms, and without respecting the ties of friendship that unite the two nations; trampling thus upon the acknowledged rights of sovereignty and independence of the Republic,... his inconsiderate conduct is, however, explained in the note of our Minister Plenipotentiary in London (No. 3), in which he states that the Government of H.B.M. recognises the invasion which has been made by surprise and by force of arms, by the dominion and possession of the Falkland Islands, belonging to the Republic...."* [2014]

September 8th, in the Falklands, with no sign of Rivero's gang, some of the refugees visit the settlement; *"... but finding it entirely devastated returned to their island."* [2015]

September 13th, William Low returns. On his advice, the remaining settlers divide into two groups and occupy both Hog Island and Turf Island. Low takes up a defensive position on Kidney Island; on the south side of the entrance to Berkeley Sound. [2016]

September 14th, Low leads a party back into Port Louis. Finding Black John, they take him to the island; *"... they continued to live without any further attempt to reoccupy the Settlement..."* [2017]

September 18th, in Buenos Aires, Minister Manuel Vicente de Maza supplies the documentation to the Representatives of the Province regarding USS *Lexington* and the events of 1831 and 1832. [2018]

> *"... The Honorable Representatives of the Province, upon studying the correspondence, will undoubtedly find that in this serious and delicate matter, the Government has attempted to satisfy, as it offered, its resolution to firmly support its rights, intending to obtain the reparation for the scandalous*

2012 Thomas Helsby, Henry Channen, Charles Kussler, Faustino Martinez, Santiago Lopez, Pascual Diaz, Manuel Coronel, Antonio Manuel, plus the 4 members of Low's crew who had not gone sealing. Also Antonia Roxa, Gregoria, Carmelita and her 2 children. Gipps gives the date as the 1st.

2013 *CO 78/1/257*

2014 Quoted in the *Morning Post Monday* December 9, 1833. Gore still awaited instructions from London. The Buenos Airean Government were fully cognizant of the British protests of 1829 and 1832, but, having kept these secret at the time, appear to have maintained that approach with the House of Representatives. Quite what recognition by the British Government is being referred to is not clear.

2015 *FO 78/1/99*

2016 Quite who went where, isn't clear. Manuel Coronel, the three women and two children would seem to have gone to Kidney Island with Low. Coronel was father to one of Carmelita's children.

2017 *George Gipps, August 2, 1834* in *CO 78/01*

2018 *Revista de la Biblioteca Nacional: Segundo trimestre de 1939* Tomo III No.10

attack and excessive injury by an officer of the North American Navy, by the peaceful means suggested by probity, good faith and sound reason."

September 20th, Buenos Airean newspaper, *La Gaceta*, refers to the limited response from other South American nations regarding the British action at the Falklands.

"The Falkland Islands invaded by the Corvette S.M.B. Clio […] some governments responded satisfactorily and it is hoped that all will reciprocate such patriotic hopes. Meanwhile, the Regency of the Empire of Brazil, despite the diversity of its form of government, was one of the first that, in the most frank and noble way, gave unequivocal proof that it sees the Cause of America as its own and that at any time it is going to put itself at the forefront of the American States resistance to European power." [2019]

September 28th, *Harriet*, seized by Vernet in 1831, is once again put up for auction. [2020]

September 29th, in Spain, King Ferdinand VII dies, leaving his 3 year old daughter, Isabella, as heir. [2021]

October 2nd, from London, Minister Moreno writes to his Foreign Ministry in Buenos Aires.

"The undersigned believes that it is his duty to inform the Minister for Foreign Affairs that the reply to his protest against the Malvinas, which lord Palmerston has promised him, has not yet been written. This is confirmed by the private communication of an officer of the Department, and the undersigned is aware that an attempt will be made to alleviate the usurpation, no doubt with a little more decorum than the Times, whose editors agreed with this Ministry for what they talked about in the particular; but with equal futility and pregnancy to challenge the evident justice and facts with which the complaint of the Republic has been sustained.

However; it is quite possible that in the end no answer will be given, because it can only be very bad, the silence seems more natural and comfortable, which will compromise this government less than a frivolous defense, which is the only one left to present. In the meantime, the undersigned is ready for the first case with arguments and evidence in continuation of his claim, even if we lack the necessary element of any negotiation that is force, to impose respect; but he believes that it is proper to the dignity of his government not to demand an answer, but to leave it to the choice of the British Ministry to give it, or not, as he sees fit." [2022]

October 15th, in Madrid, Martin Fernandez de Navarrete, sends his findings to the Spanish Government. [2023]

2019 Quoted in *Malvinas, soberanía e integración regional* Uriel Erlich 2020 in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) p.93 citing *Invadidas las Islas Malvinas* in *La Gaceta* Sept 20, 1833

2020 Groussac 1910 p,33 fn.1 citing *British Packet & Argentine News.* Reported as sold for 8900 pesos but still lying in the port two months later. Vernet would later complain that the Government had retained the monies from this sale, without even reimbursing his costs in taking the vessel's owners to court. *Harriet*'s final fate is unclear, but probably involved a name change and new registration documents.

2021 The child's mother, Maria Cristina, became *Regent*. Ferdinand had not been an easy man. Convinced of his divine right to rule, he'd brook no views but his own and was both arrogant and stubborn. It seems unlikely that he'd have let Onslow's action at Soledad Island pass without complaint, so his unexpected death was probably fortuitous for British sovereignty. Not so for Spain, however, which entered a century of civil conflict and was reduced to impotence on the world stage. His premature death would, however, allow the Spanish Government to eventually accept that its American colonies were lost forever.

2022 *AGN X-24*

2023 Letter quoted in Quesada 1904 p.200 citing *Archive of Simancas. Leg. 6915.* Part quoted in Kohen & Rodriguez (2016 p.111). The fact that Quesada cites a Spanish source, and not an American one, suggests that he acquired the information from Spain. It is certain that on November 5, 1833, the US Minister Plenipotentiary to Madrid, Cornelius P. Van Ness received documents from the Spanish Government covering a series of inquiries with regard to titles and rights made by the US Ministry after 1830. I am unable to ascertain whether this was among them.

"Excellent Sir ... Subsequently all the discoverers in that century passed through the Strait of Magellan, and navigation by Cape Horn did not begin until well into the seventeenth century. It was already in the eighteenth century that the usefulness of the Malvinas Islands became known, for the scale of the voyages from Europe to the Pacific, for which reason the French settled in them in 1763, and the English were suspicious of their rivals forming there a colony, took possession of those islands in 1765 and formed another establishment the following year, intending to drive the French out of there. In this state Spain manifested its primitive right of possession, ***as belonging to the immediate continent****: and, recognized by France and admitted by England, both establishments were withdrawn.*[2024]

The French then made formal delivery to Spain of the Malvinas, the expenses were satisfied, and all the stores, arms, provisions, smaller vessels, etc., were left to the Spaniards. As governor, the ship's captain Don Felipe Ruiz Puente proceeded to take possession of these islands, on behalf of His Catholic Majesty, and on April 1, 1767, the Spanish flag was raised in the bay of La Soledad.

Since then the peaceful possession of the Malvinas, as belonging to the Crown of Spain and its Viceroyalty of Buenos Aires, has not been altered; and so the expedition of Don Alejandro Malaspina for the return to the globe in 1789, and that of Don Ignacio Maria de Álava for the South Seas in 1796, and several others, have made a stop in these islands to refresh food, repair breakdowns and give rest to the crews.

If in 1770 there was a secret agreement between our government and the English (according to the note passed by the Minister of the United States) the same quality of secrecy will have caused that it has been hidden to the public and that, consequently, has not come to my notice; but if it really exists, it cannot but be found among the papers of the archives of the secretariat of state, if they were not transferred to the one of those Simancas of that time.

It follows from all (this) that the Falkland Islands, as corresponding to the Viceroyalty of Buenos Aires prior to the insurrection, belong in law to Spain like all other countries of that part of America, until His Majesty determine their fate for succession, with respect to the interests of our nation. [2025]

"They keep the declaration here as secret as possible. I do not find any to whom they have shown it, except those to whom they are obliged to communicate it." [2026]

October 17th, at the Spanish palace, Don Francisco de Zea Bermudez acknowledges the arrival of the information collected by Navarrete. A note in the margin refers to "*Extract with antecedents*." [2027]

"This official document shows that the Government of the United States, through the inquiries of its diplomatic Minister in Madrid, knew that Spain had been in peaceful possession of the ***Island of Soledad*** *of Malvinas so that Great Britain, by conquering it in 1833, openly and consciously violated the Monroe Doctrine..."* [2028]

2024 My emphasis. No suggestion of discovery by Spain.

2025 That a notable Spanish historian was unable to find anything concerning the Convention of 1771 confirms the information that came out of Madrid that year from Secretary Harris. That the Spanish Government had kept the accord entirely secret from its own people. Spain's 1771 diplomatic defeat had not been for public consumption.

2026 *Harris to Rotchford* February 14, 1771 in *Diaries and Correspondence of James Harris, First Earl of Malmesbury* J. Harris 1845 vol.1 p.66. Secretary Harris was Britain's envoy in Madrid during the 1770/71 negotiations. *cf.* Vol.1

2027 Quesada 1904. It is a pity that the original document has not, as yet, come to light. Nor any attachments.

2028 *Ibid* p.203. The Island of Soledad being East Falkland Island. The Monroe Doctrine (see December, 1823) had not been considered applicable to the Falkland Islands, as was explained to Quesada by the US Government in March, 1886.

"By not protesting the 1833 incident, the United States implied that it considered the Falklands an established, not a new, British colony." [2029]

October 20th, after leaving England in late July, the Enderby Brothers sealing ship *Hopeful* (Prior) with its tender *Rose*, approaches the Falkland Islands.

On board is Royal Navy Lieutenant, Henry Kean Rea. [2030]

"... the two ships set off south in July 1833 with lieutenant Henry Rea, RN, on board Hopeful. From the outset, the expedition was ill-fated, for while the Enderbys considered Rea to be a passenger – or rather supercargo – the latter probably saw himself as captain and expedition commander. John Biscoe who had originally been appointed skipper of Hopeful by the Enderbys, disembarked while the ships were still in England, and his two successors left in the course of the journey south." [2031]

October 23rd, the settlers hiding on the islands in Berkeley Sound are found by *Hopeful*.

> *"... As I did not like the appearance of many I found on Hog Island, I sent down for Capt. Low and the next morning went with two armed boats to the town where I found all the trunks and boxes broken open & the beds & every article in the houses ransacked and cut to pieces. – The body of Mr. Brisbane was a quarter of a mile from the houses where I was told it was dragged to by some of the Indians on horseback after the murder;.. the dogs had fed on it... the rest of the bodies were buried at the town near where they were killed. I then hoisted an English Jack at the flagstaff which I have left flying."* [2032]

Lieut. Rea RN writes an urgent letter for Rio de Janeiro, giving details of events, and adding; *"... I feel confident that if an English ship of war does not arrive here soon, more murders will take place."* [2033]

With a ship in Berkeley Sound, gaucho Juan Brasido is murdered by his co-conspirators.

"(Jose Maria Luna says) Saw Rubio murdered in the Campo. He was coming to give himself up and they did not approve of this... Felipe (Salazar) struck him with a sword..." [2034]

October 25th, *Rose* (Mallors), tender to *Hopeful,* arrives in Berkeley Sound.

October 28th, *Rose* sails for Choiseul Bay to hunt for cattle.

October 30th, in London, Advocate-General Sir Herbert Jenner is provided with a copy of Manuel Moreno's protest by Sir George Shee, together with Lord Palmerston's proposed response. Jenner is asked to provide a legal opinion. [2035]

2029 Gustafson 1988 p.26

2030 *Hopeful* or *Hopefull*, depending on source. Promoted from midshipman to lieutenant June 19, 1829, Rea had been attached to the expedition at the request of Enderby Brothers, who were attempting to encourage some Admiralty interest in Antarctica. For a biography, see - https://www.wikitree.com/wiki/Rea-725

2031 *In Search of the origin of an Antarctic ghost ship: The legend of the Jenny re-evaluated* F. M. Schuster 2022 in *Polar Record* May 27, 2022.. See - https://www.cambridge.org/core/journals/polar-record/article/in-search-of-the-origin-of-an-antarctic-ghost-ship-the-legend-of-the-jenny-reevaluated/2D88EE4809DBEB54676E3904A48C3A78

2032 *Report of Lieut. Rea, Hopeful, Johnsons Harbour, East Falkland November 16, 1833* in *ADM 1/42.*

2033 Addressed to *"Rear-Admiral Sir M. Seymour, Bart., K.C.B.; any British Consul, or the Commanding officer of any British ship of war."* The usual message of postage would be to hand one or more copies of the letter to any ship heading the right general direction. Such letters could pass through numerous hands before reaching their destination.

2034 *ADM 1/43.* Original emphasis. Also *PRO HO 48/3 cf.* March, 1835. Not dated. Best guess.

2035 *FO 83/2227* at *157.* According to the archive, the Lord Advocate was provided with all the despatches and communications that followed Parish's 1829 protest.

November 8th, in Johnson's Harbour, sealer *Susannah Anne* (Ferguson) anchors. Capt. Ferguson is handed a copy of Lieut. Rea's letter.

November 9th, *Rose* returns to Berkeley Sound. The crew report that they were only able to kill three bulls as a party of some seven Indians drove the cattle away from them.

In London, Jose Araujo Ribeiro arrives in London as Minister Plenipotentiary for Brazil. He has been instructed to support the Buenos Airean protest regarding the British action at the Falkland Islands. [2036]

November 14th, Capt. Prior leaves *Hopeful* to join the refugees on Turf Island. [2037]

November 15th, from Buenos Aires, Minister Tomas Guido informs the State Department in Washington DC that the proposed delegation to the USA, to discuss the outstanding controversy regarding the USS *Lexington*, has been delayed, again. [2038]

November 18th, at Port Louis, Henry Channen, together with three others, goes ashore at the settlement. Thomas Helsby asks that he check the store of hides and skins; *"he did not perceive that any of the property belonging to Mr. Vernet had been touched or molested, as far as regards the Hides, skins, &c."* [2039]

From Buenos Aires, Luis Vernet, unaware of events, writes an optimistic letter to Jean (Juan) Simon.

> *"... after the governments arrive at some adjustment there will be better days,.. there will be many people, and houses in many parts, there will be an abundance of everything and plenty of money..."* [2040]

Vernet also writes to Matthew Brisbane.

> *"M^rs^ Vernet and family return their affectionate remembrance to you – we often speak of you, and are anxiously waiting for some sort of settlement between the Govern^ts^, to think seriously of returning to the Establishment, and take new measures that may give it a great impulse and make it flourish."* [2041]

November 19th, at Port Louis, Capt. Ferguson takes two casks containing seal skins and hides.[2042]

From Buenos Aires, Vernet writes a second letter to Matthew Brisbane, concerning his debt to the Capataz

"Simon has written me a very satisfactory letter and he seems willing to serve me faithfully. ... As Simon never required his wages fr(om) me while I was at the Settlement a great deal has came due to him, and although he has not said a word about it in his letter yet I wish to make him easy on this score. I have therefore written to him to choose one of three proposals: 1^st^ proposal to wait till I get out of my present embarrassing situation, and the to receive from me at the Island all his dues with 6% interest, in gold ounces.- 2^d^ proposal- To receive from you a gradual payment on acc^t^ of his dues, in hides at five Dollars each- or in Bills that the masters of Vessels give in payment for beef, or in money when you have it and can spare it. ... 3^d^ proposal To receive payment for his dues in Cattle on my return to the Island, in which case he shall then have half of the Stock that exists on my arrival, in payment for his dues ..." [2043]

2036 From the website of Brazil's Ministério das Relações Exteriores. I can find no evidence of a protest by Brazil in 1833.

2037 The third captain to leave, following Rea's attachment to the ship. In all cases, caused by an unresolved question as to who was in charge.

2038 Manning 1932 p.184

2039 *Thomas Helsby's Account* in Pascoe 2022 vol.2 (Kindle edition)

2040 Caillet-Bois 1982 (6th ed.) p.380. Nearly 3 months after the murders, news had still not reached Buenos Aires.

2041 *AGN VII 130, doc.70.* Letter in full in Pascoe 2022 vol.2 pp.331-332.

2042 76 of the skins belonged to William Low, however the casks contained 175 skins. See November 30, 1833 below and February 7, 1834.

2043 Letter in full in Pascoe 2022 vol.2 pp.332-333. See 1858, below.

Also in Buenos Aires, Philip Gore sends a note to Minister Guido.

> *"In compliance with the orders of his court, the undersigned, his Britannic Majesty's Charge d'Affairs, has the honour to notify to the government of Buenos Ayres, that the Rear-Admiral Commander-in-Chief of his naval forces in South America has been directed to appoint a Lieutenant from under his command, with a certain number of men, to reside at the Falkland Islands, for the protection of his Majesty's rights on those Islands."* [2044]

November 20th, captains Low and Prior, together with Francis Machado and Faustino Martinez, go aboard *Susannah Anne,* which is to take them to Saunders Island on the north side of the harbour of Port Egmont.

"During the four months that they were living in these three small islands, three English vessels visited them, but afforded them little or no assistance. Captain Low however, and some of his men took their departure in one of them. The vessels were the Hopeful Schooner, the Rose /cutter/ and the Susannah Anne all engaged in the seal fishery ..." [2045]

On the same day, from Berkeley Sound, *Hopeful* (Rea) sails for Port William; followed by *Rose*. [2046] On board are John Stokes, Daniel McKay and Patrick Kerwin (all ex-*Unicorn*).

"Reports of the revolt and murders were carried from the Falkland Islands on the Enderby Bros. sealers Hopeful and Rose, which had arrived in October 1833. ... On the way north, Hopeful passed the same information to Capt. Ferguson of the British sealer Susannah Ann, who then gave it to Capt. Nielson of Swallow on 11 December 1833 to take to London." [2047]

November 21st, in Buenos Aires, Tomas Guido replies to *charge d'affaires* Gore.

> *"The undersigned Minister of Foreign Affairs, has received and laid before his Government the Note of the Charge d'Affaires ad interim of his Britannic Majesty in this city... The undersigned acquaints the Charge d'Affaires whom he addresses, that his Government, adhering to the protest which it has made to the Government of his Britannic Majesty, through the agency of its Minister at the Court of London in reclamation of the positive rights of the Republic in the above-mentioned Malvina Islands, confines itself for the present to stating that it has informed itself of the contents of the note which the undersigned has now the honour to answer. ..."* [2048]

November 22nd, in Berkeley Sound, sailing past Turf Island, Capt. Ferguson offers to take Thomas Helsby, and any others, to the western islands for safety. Helsby declines. [2049] With Helsby on Turf Island are Henry Channen, Charles Kussler, Black John and Capt. Prior (ex-*Hopeful*). On Hog Island are Santiago Lopez, Pascual Diez and Jose Manuel Prado. Near the mouth of Berkeley Sound, on Kidney Island, are George Hopkins, Joseph Douglas, Samuel Pearce, Antonio Manuel, Manuel Coronel, Antonina Roxa, Gregoria, Carmelita and her two children.

When offered, Manuel Coronel, Antonina Roxa, Gregoria, Carmelita and children, all opt to be taken off.

"Capt. F. took from Berkeley Sound two women and three children, and landed them on Saunders Island, ..."[2050]

2044 *FO 6/500/387*. Gore subsequently observed that the note sent to the Foreign Ministry was promptly published in the Argentine press. Copied in the English journals on March 26, 1834

2045 *FO 78/1/100-101*

2046 Both ships appear to have spent some time at Port William, attempting to capture Rivero and his gang.

2047 Dickinson 2007. Clearly confused, as *Hopeful* remained in the Falklands. See December 11, 1833, below.

2048 *The Morning Chronicle* March 27, 1834

2049 *Thomas Helsby's Account* in Pascoe 2022 vol2. pp.333-334

2050 *London Courier and Evening Gazette* Friday February 28, 1834. Three women and two children. Gregoria was about 19/20 years old, so perhaps she was viewed as a child? 21 being the age of majority in the UK in the 19th century.

November 29th, in Berkeley Sound, *Rose* (Mallors) returns to check on the refugees. [2051]

November 30th, *Rose* takes Henry Channen and Thomas Helsby into Port Louis. Channen notes that two barrels of fur seal skins have gone, together with a dozen dry hides. They immediately suspect Capt Low.

> *"In the name and on behalf of Mr. Vernet, I protest against you removing from Port Louis the two casks, or any other hides or skins, his property. I believe that you are entitled to a third of Two hundred and twenty-eight pup skins, but not one more… out of duty to Mr. Vernet I cannot possibly do less than protest…"* [2052]

"A charge is made against Capt Low, that he carried off a quantity of seal skins that did not belong to him." [2053]

After returning the two men to Hog Island, *Rose* sails for Port William.

> *"Captain Mallors had the goodness to leave with me, a Musket, a bottle of powder, six flints, about twenty pounds of biscuit, two bottles of molasses, and a small quantity of Tobacco."* [2054]

In London, on the same day, Sir Herbert Jenner provides a legal opinion; as requested by the Foreign Office on October 30th.

> *"... that the extracts from the correspondence which passed in the years 1771 and 1774, as stated in your Lordship's letter, are so far from warranting the suggestion of M. Moreno that there was any secret understanding that the British Govt. would evacuate the Falkland Islands after the restitution of Port Egmont, that they demonstrate that no such expectation could have been entertained by the Govt. of Spain, for the Spanish Minister, having asked the Earl of Rochford to give him some hopes of the British Govt. agreeing to the mutual abandonment of those islands, he was answered "that it was impossible to enter into that subject with him as the restitution must precede every discourse relative to them". And the instructions given to the officer who was sent to receive the repossession of Port Egmont from the Spanish authorities, not to salute Fort Soledad, as a Spanish Garrison, if the restitution was not made by a certain period, but to protest against that settlement of His Catholic Majesty's subjects, in an Island belonging to His Majesty, are strongly confirmatory of the absence of all idea of compromise, in the assertion and maintenance of HM right to the Sovereignty over those Islands. Under these circumstances, I am very humbly of opinion that a wise direction has been exercised in declining to enter into any discussion as to the title to be derived from the first occupation or possession of these islands, as it is impossible not to foresee, that a discussion of that nature must necessarily lead to a protracted correspondence, which would probably not end in any satisfactory result."* [2055]

"Herbert Jenner (responded) stating that extracts from the correspondence between 1771 and 1774 – as Palmerston specified – were far from corroborating the Argentine diplomat's thesis regarding the "secret promise". But without adding anything, absolutely nothing, to (what was) known, the King's lawyer resorted to the tired arguments that the Spanish Ambassador had failed to gain from Count Rochford "hopes that the British government would consent to the mutual abandonment of these islands..."..." [2056]

2051 Possibly by way of farewell, as both *Hopeful* and *Rose* sailed for Antarctica around this time. Pursuing their original purpose. However, *Rose* was lost in pack-ice and *Hopeful* was back some 6 weeks later.
2052 *Helsby to Low November, 1833* in *ADM 1/42.* See February, 1834
2053 *FO 78/1/100-101.* Low was questioned about this in 1834. No charges were made. See February 7, 1834.
2054 *Helsby's journal* in Pascoe 2022 vol2. p.334
2055 *FO 83/2227* at *159*
2056 Caillet-Bois 1982 (6th ed.) p.354

"... there is abundant evidence including letters by Lord Rochford to the secretary of the British legation in Paris, Colonel John Blaquiere, and his successor, Colonel Horace St. Paul, that no such (secret) promise was made,..."[2057]

December 3rd, in Washington DC, during his Annual Message to Congress, US President Andrew Jackson refers to Buenos Aires.

> *"The negotiations commenced with the Argentine Republic relative to the outrages committed on our vessels engaged in the fisheries at the Falkland Islands by persons acting under the color of its authority, as well as the other matters in controversy between the two Governments, have been suspended by the departure of the chargé d'affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that Government to renew the negotiation in the United States, but though daily expected he has not yet arrived in this country."*

December 4th, from England, William Langdon writes to Luis Vernet seeking consent to assign the plot of land, granted him in 1831, to George Whitington; described as a '*merchant of London*'. [2058]

December 6th, George Whitington also writes to Vernet; to assure him of his commitment to settling the land, assuming that Vernet can *"legally establish"* his rights and privileges. [2059]

December 11th, in the Atlantic, *Susannah Anne* (Ferguson) passes on Lieut. Reas letter concerning events at Port Louis to the brig *Swallow* (James Nielson). [2060]

> *"On Dec., the 11th, in latitude 52 30 north and longitude 63 30 west, spoke to the cutter Susan Ann, Captain Ferguson, on a sealing voyage, and received the following information:- On the 26th of August a party of people were murdered at the Falkland Islands, left there a short time before by his Majesty's ship Clio. A few of the names I have got, viz. – Captain Brisbane, Mr Dickson, Mr Seeman, Mr Ventine, and many others."* [2061]

December 12th, in Paris, Captain Le Marche re-submits a proposal to the French Ministry for the establishment of a colony on East Falkland Island. [2062]

"Reading an article published in de Deux Mondes, which recounted the occupation of the islands by the crew of the corvette Clio, prompted him to appear ... In the note of December 12, 1833, (Le Marche) declares ..., "So here is the South Sea closed to our vessels ..., if we tolerate this act of invasion on their part. Because, make no mistake, the Falklands are the real key to the Great Ocean... That under the Restoration (1771), France did not dare to occupy the Malouinas Islands again, which can be explained by the fear that the Government of the time had of arousing the ... Cabinet of London; but that the present Government had been arrested by similar fears, that it did not even dare at the moment to claim one of these islands, that of the East, being a French property, ... " ... The Count of Rigny, Minister of the Navy, transmitted the note to his colleague at the Ministry of Foreign Affairs,.." [2063]

2057 Pascoe 2022 vol2. p.335

2058 Whitington had been a passenger on Langdon's ship in 1831 when it had stopped off at Port Louis. Vernet had dined with both men, so Whitington was known to him. *cf.* 1831 & 1834. See also Tatham (ed) 2008 p.558. Letter in full in Pascoe 2022 vol.2 p336.

2059 *G. T. Whitington a L. Vernet deciembre 6 1833* in Caillet-Bois (6th ed.) 1982 p.390. Letter in full in Pascoe 2022 vol.2 p336. Vernet would signal his agreement in a letter dated May 31, 1834.

2060 *Evening Mail* Wednesday February 12, 1834. The letter reached England on February 9, 1834.

2061 Nielson quoted in *London Courier & Evening Gazette* Wednesday February 12, 1834

2062 A suggestion that he had first put to the Minister of the Navy and the Colonies in 1821.

2063 Caillet-Bois 1982 (6th ed.) pp.346-347 fn.7 citing *Archives des Affaires Etrangères, Paris, Fonds Argentine, Correspondence politique, vol. 6, fs. 442 to 445 & 446 to 448*

December 17th, from Rio de Janeiro, Rear Admiral Seymour informs the Admiralty that he has found five volunteers to go to Port Louis in compliance with the orders of August 14th. Seymour instructs Lieut. Henry Smith and a four-man boat crew to embark on HMS *Challenger* (Seymour) for the Falklands. [2064]

> *"You are hereby required and directed to repair on Board the Challenger which ship is appointed to convey you to Berkeley Sound East Falkland where you are to reside, and act as in a Possession belonging to the Crown of Great Britain paying attention to the accompanying Instructions, and such further orders as you may from time to time receive from me,..."* [2065]

> *"The Lords Commissioners of the Admiralty having been pleased to select you to reside at the Falkland Islands, for the due protection of British Interests there, you will in the first instance proceed to Port Louis, Berkeley Sound, East Falkland, where you will find the British flag hoisted and in charge of Mr. Wm. Dickson; and you are on all occasions, particularly when any Ships or Vessels are at the Islands, to keep the Flag flying...."* [2066]

Smith is required to repair any fortifications that he finds; treat the inhabitants with "*kindness*" and deal firmly with any disturbances. He is told that his purpose is; *"... the due protection of British interests there,.."* [2067]

"Our Government having judged these Islands to be a station of some importance and convenience to our ships proceeding to the Pacific, Captain Fitzroy, in the Beagle, has been directed to survey them. Lieutenant H. Smith, late First Lieutenant of the Tyne, is appointed Governor of these Islands, and four seamen, volunteers, as a boat's crew for his use and protection. They were to proceed by the first ship from Rio. It was expected that this little nucleus party of a new colony, would be reinforced by a party of Royal Marines, from England."[2068]

December 20th, Lieut. Smith and his boat crew sail from Rio de Janeiro on *Challenger*.

In London, Minister Moreno has an edited version of his official protest published, entitled – *Observations on the Forcible Occupation of the Malvinas, or Falkland Islands, by the British Government in 1833.*

> *"The international question respecting the sovereignty of these islands, between Great Britain and the provinces of Rio de la Plata, being again brought under discussion, it is of paramount importance that the public should have a clear, and as it were tangible account of them, as well as of the claims of the respective competitors to their permanent and unmolested possession."* [2069]

"... intended for the public and not the foreign ministries, as no evidence or document was included. Moreno, meanwhile, watched the last months of the year go by without the impulsive Viscount Palmerston having refuted or acknowledged receipt of the Protest." [2070]

2064 Smith had been First-Lieutenant on HMS *Tyne* when it arrived at the Falklands in January, 1833. The boat crew were John Dowdle, John Thomas, Charles Melville and Jack (Joshua) Lee – also all ex-*Tyne*.
2065 *ADM 1/42*
2066 *Ibid.* The reference to Dickson confirms that the British at Rio de Janeiro were still unaware of the massacre.
2067 *Ibid.* Instructions in full in Pascoe 2022 vol.2 pp.339-340
2068 *Hampshire Telegraph & Sussex Chronicle* Monday January 13, 1834.
2069 *Observations on the Forcible Occupation of the Malvinas, or Falkland Islands, by the British Government in 1833* Manuel Moreno 1834. See https://falklandstimeline.files.wordpress.com/2012/02/ambassador-morenos-published-protest-1833.pdf
2070 Caillet-Bois 1982 p.354

1834 – January 1st, in the Falkland Islands, the New Year sun rises over Berkeley Sound, with Thomas Helsby, Henry Channon (Channen), Black John, Santiago Lopez, Pascuel Diez, Charles (Carl) Kussler, and Jose Prado living on Hog Island. George Hopkins, Joseph Douglas, Antonio Manuel and Samuel Pearce on Kidney Island. John Stokes, Daniel McKay and Patrick Kerwin last reported at Port William. On the other side of the archipelago, on Saunders Island, are William Low, Francis Machado, Faustino Martinez, Antonina Roxa, Manuel Coronel, with the black indentured slaves Gregoria and Carmelita, and the latter's two children (Juan Simon and Manuel Coronel). Also Capt. Prior (ex-*Hopeful*).

In the Camp behind Port Louis, are Antonio Rivero, Jose Maria Luna and five Charrúa Indians: Manuel González, Luciano Flores, Manuel Godoy, Felipe Salazar and Lattore. Murderers, seeking an escape. [2071]

January 2nd, in London, the Foreign Office forwards Minister Moreno's June, 1832 protest to Lord Stanley. [2072]

January 3rd, from Hog Island, José Prado, Carl Kussler, Santiago López and Pascuel Diaz are tempted to row over to Port Louis in the jolly-boat by an offer of beef from the Indians. Once on shore, surrounded, they are taken prisoner. Now in possession of the jolly-boat, the Indians force Prado and Kussler to row back to Hog Island where Thomas Helsby, Henry Channon (or Channen) and Black John are building a larger vessel. They are also captured. However, in the confusion, Prado and Kussler escape in the jolly-boat; rowing to Kidney Island, near the mouth of Berkeley Sound. Santiago López, Pacuel Diaz, Thomas Helsby, Henry Channon and Black John are taken to the Port Louis settlement at gunpoint; *"They told us they would force us to carry them in the launch to Patagonia, or they would kill us."* [2073]

January 4th, Channon and Black John are forced to row back to Hog Island to resume work on the new launch.

"The Captain of the gang, Aantuco Rivera (Antonio Rivero), appears particularly anxious to retake the two hands who have escaped to Kidney Island, and two parties have been on horseback to the mouth of the sound for that purpose." [2074]

January 7th, from Hog Island, the boat returns to the mainland; "*The Indians ordered all hands into the Boat (myself excepted, who was left ashore guarded by one of them) for the purpose of going down to Kidney Island to retake the two men who had escaped."* [2075]

HMS *Challenger* (Seymour) sails into Berkeley Sound. Followed by the sealing ship *Hopeful* (Rea), returned from Antarctica.[2076]

With his guard distracted by the arrival of the two ships, Thomas Helsby takes the opportunity to escape.

Henry Channon, Black John, Santiago López and Pascuel Diaz remain prisoners. Rivero instructs Henry Channon to find out what he can about the two ships; in particular their purpose.

2pm, from *Challenger*, Lieut. Henry Smith steps ashore.

> *"Landing at some distance from the settlement as the wind was very strong; on our way up we met a man of the name of Henry Channon who informed us of the Murders that took place here on the 26th August 1833."* [2077]

2071 The murderers. See August, 1833 in Chapter 6
2072 Public Records Office (PRO) *CO 78/1/267*. See June 17 and December 20, 1833
2073 *Thomas Helsby's Account.* In full in *The Falklands Saga* Graham Pascoe 2022 vol.2
2074 *Ibid.*
2075 *Ibid.*
2076 *Hopeful* and its tender, *Rose* (Mallors), has been exploring in the Antarctic when *Rose* the vessel lost to pack ice in December, 1833. All the crew were saved.
2077 Smith's journal in *ADM 1/42.* In full in Pascoe 2022 vol.2

"... when we had approached within a mile from the settlement, we observed a stranger close to us (who turned out to be an Englishman of the name of H. S. Channon) who informed us that he was sent by the gauchos to see whom we were, & whether the ship was a Whaler in want of Beef, or a Man of War; That on the 26th August 1833, they had killed Mr. Brisbane, Dickson. Simon the Frenchman & two other persons, & afterwards had pillaged the Houses destroying every thing in seeking for money. He then pointed them out to us sitting under the Garden wall, & their Horses ready saddled behind the remains of Government House for a start, on our nearer approach; that they had in custody two Gauchos, who had not been concerned in the murder, & whom they threatened to massacre, if he did not return, ***he also stated that one of them was willing to turn King's evidence*** *(Jose Maria Luna), & would endeavour to bring in all the Horses if possible, leaving them at our mercy, provided captain Seymour would ensure his pardon..."* [2078]

"As his party were not armed, Captain Seymour thought it right to return on board;..." [2079]

After dark, Lieut. Smith heads back to the settlement.

> *"8 PM landed with two Boats Man'd and armed to the settlement in search of Murderers and also with a bottle in which was a piece of paper with a crisifix (sic) and promising Jose Maria Luna pardon if he would turn evidence for the King and bring in the horses..."* [2080]

After a four hour fruitless search, Smith and his men return to HMS *Challenger*.

January 8th, in the morning. Lieut. Smith lands and walks in to Port Louis; *"... visited the settlement which we found in a ruinous condition the Murderers having burnt and destroyed some of the houses for money and nails. 10.30 met a Mr. Helsby who had made his escape the evening before..."* [2081]

"... Port Louis was deserted, (and) the houses had been wrecked by the murderers, ..." [2082]

In London, Lord Palmerston responds to Ambassador Moreno's *démarche* of June 17th, 1833. [2083]

> *"Before the undersigned proceeds to reply to the allegations advanced in M. Moreno's note, upon which his protest against this act on the part of his Majesty is founded, the undersigned deems it proper to draw M. Moreno's attention to the contents of the protest which Mr. Parish, the British Chargé d'Affaires, at Buenos Ayres, addressed, in the name of his court, to the Minister for Foreign Affairs of the Republic, on the 19th of November 1829, in consequence of the British Government having been informed that the president of the United Provinces of the Rio de la Plata had issued decrees, and had made grants of land, in the nature of acts of sovereignty over the islands in question. That protest made known to the government of the United Provinces of the Rio de la Plata:*
>
> *1st. That the authority which that government had thus assumed, was considered by the British Government as incompatible with the sovereign rights of Great Britain over the Falkland Islands.*
>
> *2dly. That those sovereign rights, which were founded upon the original discovery and subsequent occupation of those islands, had acquired an additional sanction from the fact, that his Catholic Majesty had restored the British settlement, which had been forcibly taken possession of by a Spanish force, in the year 1771.*

2078 *Smith to Hope February 10/11, 1834.* My emphasis and parenthesis. In full in Pascoe 2022 vol.2
2079 Fitzroy 1839. Capt. Michael Seymour was the Rear-Admiral's son.
2080 Smith's journal in *ADM 1/42.*
2081 Smith's journal in Pascoe 2022 vol.2
2082 Graham Pascoe 2020 p.167
2083 *Palmerston to Moreno January 8, 1834* in *FO 6/501.* Also *CO 78/1. cf.* June 17, 1833

3dly. That the withdrawal of his Majesty's forces from the Falkland Islands, in 1774, could not invalidate the just rights of Great Britain, because that withdrawal took place only in pursuance of the system of retrenchment adopted at that time by his Majesty's Government.

4thly. That the marks and signals of possession and of property, left upon the islands, the British flag still flying, and all the other formalities observed upon the occasion of the departure of the governor, were calculated not only to assert the rights of ownership, but to indicate the intention of resuming the occupation of the territory at some future period.

Upon these grounds Mr. Parish protested against the pretensions set up on the part of the Argentine Republic, and against all acts done to the prejudice of the just rights of sovereignty heretofore exercised by the crown of Great Britain. The Minister for Foreign Affairs of the Republic acknowledged the receipt of the British protest; and acquainted Mr. Parish that his government would give it their particular consideration, and that he would communicate to him their decision upon the subject, so soon as he should receive directions to that effect.

No answer was, however, at any time returned, nor was any objection raised, on the part of the government of the United Provinces of the Rio de la Plata, to the rights of Great Britain, as asserted in that protest; but the Buenos Ayrean government persisted, notwithstanding the receipt of that protest, in exercising those acts of sovereignty against which the protest was specially directed. The government of the United Provinces of the Rio de la Plata could not have expected, after the explicit declaration which had been so formally made of the right of the crown of Great Britain to the islands in question, that his Majesty would silently submit to such a course of proceeding; nor could that government have been surprised at the step which his Majesty thought proper to take, in order to the resumption of rights which had never been abandoned, and which had only been permitted to lie dormant, under circumstances which had been explained to the Buenos-Ayrean government.

The claim of Great Britain to the sovereignty of the Falkland Islands having been unequivocally asserted and maintained, during those discussions with Spain, in 1770 and 1771, which nearly led to a war between the two countries, and Spain having deemed it proper to put an end to those discussions, by restoring to his Majesty the places from which British subjects had been expelled, the government of the United Provinces could not reasonably have anticipated that the British Government would permit any other state to exercise a right, as derived from Spain, which Great Britain had denied to Spain herself; and this consideration alone would fully justify his Majesty's Government in declining to enter into any further explanation upon a question which, upwards of half a century ago, was so notoriously and decisively adjusted with another government more immediately concerned. But M. Moreno, in the note which he has addressed to the undersigned, has endeavoured to shew that, at the termination of the memorable discussions referred to between Great Britain and Spain, a secret understanding existed between the two courts, in virtue of which Great Britain was pledged to restore the islands to Spain at a subsequent period, and that the evacuation of them, in 1774, by his Majesty, was the fulfilment of that pledge.

The existence of such a secret understanding is alleged to be proved; first, by the reservation, as to the former right of sovereignty over the islands, which was contained in the Spanish declaration, delivered at the time of the restoration of Port Egmont and its dependencies to his Majesty; and, secondly, by the concurrent description of the transaction, as it took place between the parties, given in certain documents and historical works. Although the reservation referred to cannot be deemed to possess any substantial weight, inasmuch as no notice whatever is taken of it in the British counter-

declaration, which was exchanged against it; and although the evidence adduced from unauthentic historical publications cannot be regarded as entitled to any weight whatever with a view to a just decision upon a point of international rights; yet as the allegations above-mentioned involve an imputation against the good faith of Great Britain, to which his Majesty's Government cannot but feel sensibly alive, the undersigned has been honoured with the King's commands to cause the official correspondence with the court of Madrid, at the period alluded to, to be carefully inspected, in order that the circumstances which really took place upon the occasion might be accurately ascertained. That inspection has accordingly been made, and the undersigned has the honour to communicate to M. Moreno the ***following extracts****, which contain all the material information that can be gathered from that correspondence relative to the transaction in question....* [2084]

(after the extracts [2085], Palmerston continues)

... M. Moreno will perceive that the above authentic papers, which have been faithfully extracted from the Volumes of Correspondence with Spain, deposited in the State Paper Office, contain no allusion whatever to any secret understanding between the two Governments, at the period of the restoration of Port Egmont and its dependencies to Great Britain, in 1771, nor to the evacuation of Falkland's Islands, in 1774, as having taken place for the purpose of fulfilling any such understanding. On the contrary, it will be evident to M. Moreno, that their contents afford conclusive inference that no such secret understanding could have existed. The undersigned need scarcely assure M. Moreno, that the correspondence which has been referred to, does not contain the least particle of evidence in support of the contrary supposition, entertained by the Government of the United Provinces of the Rio de la Plata, nor any confirmation of the several particulars related in M. Moreno's note.

The undersigned trusts, that a perusal of these details will satisfy M. Moreno, that the protest which he has been directed to deliver to the undersigned, against the re-assumption of the sovereignty of the Falkland Islands by his Majesty, has been drawn up under an erroneous impression, as well of the understanding under which the declaration and counter-declaration relative to the restoration of Port Egmont and its dependencies were signed and exchanged between the two courts, as of the motives which led to the temporary relinquishment of those islands by the British Government; and the undersigned cannot entertain a doubt but that, when the true circumstances of the case shall have been communicated to the knowledge of the government of the United Provinces of the Rio de la Plata, that government will no longer call in question the right of sovereignty which has been exercised by his Majesty." [2086]

"That the British government did secretly engage – to abandon the Falkland Islands entirely, soon after the restitution of Port Egmont should have been formally effected was asserted at the time (1771) ... It was, indeed, regarded as an established fact, and was unquestioned until the 8th of January, 1834, when Lord Palmerston, the British secretary for foreign affairs, in answer to a protest on the part of the government of Buenos Ayres against the recent occupation of the Falkland Islands by Great Britain, formally denied it, and produced a number of extracts from correspondence between British ministers and their own agents, which he considered

2084 My emphasis. Original documents; letters, etc. These have been incorporated into the timeline at the appropriate dates.
2085 A transcription of the full document can be found here –
https://falklandstimeline.files.wordpress.com/2012/02/palmerston-to-moreno-1834.pdf
2086 *CO 78/1*

as affording "conclusive evidence that no such secret understanding could have existed," as it is not mentioned in those extracts. The papers cited by Lord Palmerston, and the arguments which he draws from them, are, however, insufficient to change the general preexisting belief on the subject; …" [2087]

"In January 1834, almost on the anniversary of the attack, Lord Palmerston, Secretary of Foreign Affairs in Lord Grey's cabinet, after leaving for seven months unanswered the protest of Argentine Minister Manuel Moreno, (pays) condescending lip service with a dry explanation (so-called deduced from the documents of the old Spanish negotiation), which ended in expressing the desire that the Government of the United Provinces be satisfied and stop discussing the sovereign rights of HMB over the Falkland Islands. This first explanation remained the last. Henceforth, the motto at the Foreign Office was, as we shall see, to answer all the Argentine claims only by a polite refusal to reopen the discussion." [2088]

"Palmerston, continuing what was already tradition in the English ministry,… gave value and importance to what suited the English thesis. And with a certainty that must have baffled the Argentine Minister, he later affirmed that the so-called "secret agreement" of 1771 did not appear at all in any of the aforementioned papers, which allowed him to assert that such an arrangement had not existed." [2089]

January 9th, at Port Louis, six carpenters from *Challenger* work to make the main house habitable.

"… after dark, Lieutenant Smith was sent with a party of marines, and two boats, to try and take them, if they should be still about the houses, and to leave with Channon a bottle containing a crucifix, as a signal for Luna. On their landing, Lieutenant Smith took all necessary precautions, left six men in charge of the boats, and proceeded cautiously with the rest. He carefully searched every building in the place, without seeing even a trace of them. All was desolation; yet he learned afterwards from the two innocent gauchos, that Antonio Rivero and another, suspecting who the party were, had watched them closely; that at one time Lieut. Smith was near treading on them …" [2090]

January 10th, at noon, the Union Jack is hoisted to a 21 gun salute from HMS *Challenger*. [2091]

"Smith was formally installed as Naval Officer-in-Charge, Falkland Islands, on 10 January 1834 and the Islands were never again left without at least a token presence. … Smith found himself in charge of a derelict settlement, wrecked by the murderers, and one without an economic role, incapable of supporting itself without the issue of naval rations, …" [2092]

"And at long last, on Friday 10 January 1834, Lieutenant Henry Smith sets up a regular authority in the Falklands, ending the Year of Limbo, which had lasted exactly a year from 10 January 1833. The lack of such an authority had cost the lives of six people (the five victims of 26 August, plus Juan Brasido). Smith's arrival did not end the crisis at Port Louis since the murderers were still at large, but it ended the nightmare." [2093]

2087 *The History of Oregon and California and the other Territories on the North-West Coast of North America;…* Robert Greenhow 1844. A rumour of a secret agreement to abandon West Falklands Island, first circulated in 1771. Denied, at the time, by the only two people who could have made it – Lord North and Lord Rochford. In 1773, the French Ambassador admitted that neither North nor Rochford had made any such promise. He would not elaborate. *cf.* Vol.1

2088 Groussac 1910 p.14

2089 Caillet-Bois 1982 (6th ed.) p.355

2090 Fitzroy 1839

2091 Smith's new position gained him an increase in salary of 7 shillings a day, although his duties had not been defined and no money had been made available for the running of a settlement.

2092 *The Falkland Islands: 1833 to 1876* S. A. Royle 1985 in *The Geographical Journal* vol. 151 No. 2 July 1985.

2093 Pascoe 2022 vol.2.

January 11th, Jose Maria Luna surrenders to Lieut. Smith.

> *"8 (am) Jose Maria Luna the Gaucho came in with two horses on an eminence to the NW of the settlement when to (sic) or three persons went out to meet him he was admitted as evidence for the crown by Capt Seymour."* [2094]

"... (Luna)..., on the fourth day, brought in two horses – not having been able to obtain more, as the murderers were very watchful and fearful of each other, so much so, that one of them had fallen a sacrifice to suspicion; and Luna's desertion reduced their number to six." [2095]

January 12th, Lieut. Henry Smith forms another search party of four midshipmen and 13 marines.

January 14th, in London, Minister Moreno acknowledges receipt of Lord Palmerston's reply.

January 15th, at Port Louis, as work continues to repair the main house, one of Rivero's prisoners returns.

> *"Pasqual (Diez) arrived having made his escape from the Murderers on the 12th."* [2096]

January 17th, Smith returns to the settlement after a frustrating search, able to see his quarry but not catch up to them; *"... we live in the midst of danger, for at times we see criminals on horseback ..."* [2097]

"... they had an epic and dangerous journey in appalling weather across East Falkland, but returned exhausted and empty-handed after five days." [2098]

January 18th, in Argentina, the *Buenos Ayres Packet* publishes Minister Moreno's Protest to the British Government of June 17, 1833; *"The document is of enormous length, and the nature of the argument precludes all abridgement... It is as dull a diplomatic document as ever official dullness inflicted on an unhappy reader."*[2099]

At Port Louis, on the same day, *Hopeful* (Rea) disembarks stores retrieved from *Rose*. Thomas Helsby pens a letter for Luis Vernet describing events.

January 19th, from Berkeley Sound, *Hopeful* (Mallors) sails; leaving behind twelve crew from the wrecked tender *Rose,* who are to go aboard *Challenger*. Lieut. Henry Rea remains to await a ship for England; *"...there is now at Anchor off the settlement a schooner called the Hopeful of London belonging to Messrs Enderby, which has already made me feel the weight of responsibility. I think on return to England, it will cause Government a Law suit, a Mr Rea belonging to the Navy and a surveyor was in her, & by some means or other has become Master which has made the Men dissatisfied, as he was employed by the Admiralty, only to make observations in high southern Latitudes, & if possible to make a coast survey of the Land Called Grahams; & Enderby's Land, she is a sealing vessel, & all these disputes are referred to me which is quite out of my line."* [2100]

January 20th, four members of *Challenger*'s crew drown when a boat capsizes.

2094 Smith's journal in *ADM 1/42.*

2095 Fitzroy 1839. The 'fallen' was Juan Brasido, who had been at odds with the others. Murdered in October, 1833.

2096 Smith's journal in *ADM 1/42.* Pascual Diaz had been captured on January 3, 1834. Black John seems to have been released by Rivero, but when is not clear. Santiago López was therefore the sole remaining hostage.

2097 Smith quoted in Caillet-Bois 1982 (6th ed.) p.378 citing *Smith a Hope, Puerto Luis, 10 de febrero de 1834*

2098 Pascoe 2022 vol.2 p.346

2099 *Morning Chronicle* Monday May 19, 1834

2100 *Smith to Hope February 10/11, 1834*. It seems likely that Rea was removed from *Hopeful* by Capt. Seymour; the senior officer present.

January 21st, HMS *Challenger* sails for Valparaiso on the Pacific coast of South America taking twelve crewmen from the foundered *Rose*. Also, Thomas Helsby. [2101] Left behind in support of Lieut. Smith, are six marines; *"... leaving in the Colony 20 persons in toto besides the 7 Gauchos in the Camp..."* [2102]

"Captain Seymour, finding that capturing the Indians would be a tedious and uncertain task, made one of the ruined houses habitable, and leaving six marines as an additional protection to Lieut. Smith and his boat's crew, proceeded as ordered." [2103]

"Captain Seymour had received no orders to leave Marines at the Falklands, but did so on his own initiative; together with the volunteer boat's crew of four men (sic), they brought Henry Smith's forces up to the grand total of ten men." [2104]

January 22nd, at Puerto Deseado, on the Patagonian coast, HMS *Beagle* (Fitzroy) and *Adventure* (Wickham) part company. *Beagle* is to sail south for Tierra del Fuego. *Adventure*, to survey the Falkland Islands.

January 23rd, at Berkeley Sound, *Hopeful* (Mallors) returns with an injured crew member. [2105]

January 24th, *Hopeful* sails for Saunders Island. [2106]

January 25th, near Magellan's Strait, Capt. Michael Seymour of HMS *Challenger* informs a British brig, *Joseph Winter*, of events in the Falklands. [2107]

January 27th, at Port Louis, Santiago Lopez returns with a message for Lieut. Smith.

> *"9.30 arrived a gaucho of the name of Santiago Lopez who had been detained as a prisoner in the camp, with a message from Antonio Rivero, the principal of the Murderers, saying if I would promise him pardon or if he could be instrumental in apprehending the Englishmen who abetted the Murders, he would give up the horses and himself and assist in capturing the others..."* [2108]

2101 Helsby, was noted as a "*passenger for Valparaiso*". An important witness to the murders of August, 1833, Helsby was only allowed to leave after giving assurances that he would return to Port Louis, or sail for England if necessary, to give evidence in any trial. Without his evidence, in particular relating to the murder of Ventura Pasos, there was little chance of a conviction. See August, 1833 & June, 1835

2102 Smith's journal in *ADM 1/42.* Sources differ. The 7 in the Camp were Rivero, five Indians and a captive; Lopez.
As for the 20 (?) colonists:
Port Louis – Henry Channen, Charles Kussler, Pascuel Diez, Antonio Manuel, Black John and, ex-*Unicorn* sealers Jose Prado, George Hopkins, Samuel Pearce and Joseph Douglas.
Saunders Island were Faustino Martinez and Manuel Coronel. Also the women Antonina Roxa, Gregoria, Carmelita and her 2 children. Plus the ex-*Unicorn* sealers William Low and Francis Machado.
Port William (?) – John Stokes, Daniel McKay and Patrick Kerwin; all ex-*Unicorn*.
Also the witness Jose Luna (King's evidence) and Capt. Prior (ex-*Hopeful*).
To conclude 20, Smith would seem not to have counted the two children. Nor Capt. Prior or Lieut. Rea, who were both intent on leaving when they could.

2103 Fitzroy 1839

2104 Pascoe 2022 vol.2 p.350.

2105 Bullet wound to the thigh. No detail as to how.

2106 Exact dates after this are not recorded, but Mallors remained anchored in Port Egmont for 9 or 10 days, during which it was alleged that William Low issued threats and encouraged some of *Hopeful*'s crew to desert with the ship's stores. Mallors somehow then came across the 175 seal skins taken from the Port Louis store on November 19, 1833, which were among Low's property. Mallors seized the skins. See November, 1833 & February 7, 1834, below.

2107 A potentially global version of the children's game Chinese Whispers; with about as much chance of an accurate report reaching the desired destination – England.

2108 Smith's journal in *ADM 1/42.* Only on the periphery of events in August, 1833, López had been taken prisoner on January 3, 1834 (see above). The '*Englishmen*' was a reference to Henry Channon and George Hopkins, both ex-*Unicorn* sealers, who had provided shot and powder to Antonio Rivero the night before the murders.

Smith responds to Rivero's message.

> *"... I have it not in my power to pardon, but if he will undertake to bring in all the horses and afterwards assist to capture the Indians, I will use my influence with the Commander in Chief upon him throwing himself upon the mercy of the British Government."* [2109]

January 28th, at Port Albermarle, American sealer *Antarctic* (James Nash), anchors. [2110]

L-R: Maroon = New Island; Black = Port Albermarle; Blue = Port Egmont; Dk Grey = Port Salvador; Red = Port Louis

On board are two passengers; the Reverend Titus Coan and Brother William Arms. [2111]

Anchored nearby is *Caroline* (Storer) out of New York.

January 29th, *Hancock* (Davison) out of Stonington, Connecticut, arrives in Albemarle Harbour. [2112]

January 30th, at Port Louis, López leaves the settlement with Lieut. Smith's answer for Antonio Rivero.

Antarctic sails around to Salvador Water (Port Salvador) on the north of East Falkland Island.

> *"... at 4 P.M. came to anchor in this bay, having sailed nearly 100 miles. Our sail through the Sound was delightful. With a fine breeze and a smooth sea we glided along at the rate of 10 knots an hour. The Island on our left in many places presented a bold shore of perpendicular rock several hundred*

2109 Smith's journal in *ADM 1/42*

2110 Previously commanding sealers *Superior* (1829-30) and *Elizabeth Jane* (1831), it is worth noting that Nash was well acquainted with the islands, and may well have previously known some of the gauchos. As with most sealers, Nash was a tough man, not above breaking a few rules, or laws, if he saw an advantage.

2111 *Adventures in Patagonia: A Missionary's Exploring Trip* Titus Coan 1880. Coan was a theological student on a 'missionary exploring expedition' funded by the American Board of Commissioners for Foreign Missions.

2112 Pascoe 2022 vol.2 p354. Not a usual place of resort for American sealers, suggesting some prior arrangement.

feet high, while in the rear the land rose to a mountain range, sprinkled here and there with patches of snow. On our right the land was low and level presenting a scene somewhat like the pampas of Patagonia. Spoke two vessels on our way, but did not understand the name of the first. The second was the little schooner Eagle which was built at these Islands from the wreck of a vessel and is constantly plying in these Seas." [2113]

January 31st, at Port Louis, Santiago López returns having failed to find Antonio Rivero. Jose Luna hands over a pistol, sabre and 26 dollars that he had concealed, prior to surrendering on January 11th.

February 1st, at Port Salvador, Capt. Nash sees three men on horses.

"Of the three who appeared on the beach today, two were Indians, and the other a Spaniard. The Indians were banished here some years ago for murder. The Captain wishing to obtain some beef enquired of them if they had any bullocks on hand. They told him that they had one some 4 or 5 miles distant up the shores of the lagoon, and that they would sell it to him if he would send a boat for it. They also agreed to catch 7 more and bring them down to the vessel tomorrow. A boat was sent for the bullock, and after a long and fatiguing row against wind and tide, we found the Indians and the beef in a deep valley near the shore. It was now about sundown, and by the time we again got on board the "Antarctic" it was 10 o'clock in the evening." [2114]

February 3rd, beef is delivered to the *Antarctic.*

"Early this morning six men appeared on shore with eleven horses and four fat bullocks. These beeves (beefs) they sell at $5 per head and receive pay in powder and ball, rum, tobacco, bread etc."[2115]

James Nash invites the leader of the Indians aboard his ship.

"Captn Nash took Antonio (Rivero) into his Cabin... I heard Antonio describe to Captn Nash every particular relating to the Murder, and their reasons for having done so. Captn Nash made a joke of what he heard, and told Antonio to keep a good look out for himself, otherwise he would be caught..." [2116]

February 4th, at Port Louis, the presence of a ship in Salvador Water is reported to Lieut. Smith. Henry Channon is sent with a letter asking if Smith can borrow a boat in order to assist in the search for the fugitives. Capt. Nash, however, declines to assist; somewhat dismissively.

February 5th, Lieut. Smith leads an armed party across to where *Antarctic* is anchored.

"… to visit the American Schooner in St. Salvador bay… found the Master was in communication with the Murderers; that they had, according to his account, supplied him with 5 Bullocks at 5 Dollars a head and were to bring him 4 more. Antonio Rivero had been on board well armed. I cautioned the Master against having any further communications with them and I should look on all persons aiding or assisting them as aggressors against His Majesty's Government." [2117]

2113 *Journal* of the Reverend Titus Coan, held at the US Library of Congress *MSS76760*.
2114 *Ibid.* Spaniard, was a general description of the majority of South Americans.
2115 *Journal* of the Reverend Titus Coan held at the US Library of Congress *MSS76760*.
2116 Luther Johnson, 2nd Mate, quoted in Pascoe 2022 vol.2 p.356 citing a statement made by Johnson on February 18, 1834 in *ADM 1/42 doc.8* (see below). Johnson had been placed in chains by Nash, for some unstated offence, and held next to the Captain's cabin; from where he could hear everything.
2117 Smith's journal in *ADM 1/42.*

"Feb. 5th. Governor Smith came over from Port Louis today accompanied by Captain Rea (sic), an Indian and an escort of six British Marines. Captain Rea is in the service of the English Admiralty, and in attempting to reach the newly discovered "Grahams land" lost his vessel and is now waiting here for an opportunity to leave the Islands. The Governor and Captain Rea came on board and entered into conversation about the murderers, and having heard that Captain Nash had aided these desperadoes the language of the Governor soon became warm and threatening, even declaring that if he had an armed vessel he should proceed immediately to seize the "Antarctic". … The fact was that matters had been misrepresented to the Governor, …" [2118]

"… the Governor rode across from Port Louis, and came on board the schooner – and questioned Capt[n] Nash, whether he had supplied the Gauchos with any Arms or Ammunition, which I heard Capt[n] Nash deny, in his cabin, and says he had supplied them with Bread only…" [2119]

Lieut. Smith returns to Port Louis, after inviting Coan and Arms to spend the night at the settlement.

"When about to return to the settlement the Governor insisted that Brother Arms and myself should accompany him and spend the night at his house, offering to send some of his marines to conduct us back tomorrow. We accepted the invitation and at 4 P.M. set off for the port where we arrived at a quarter past eight – distance 10 or 12 miles. There were but two horses in the party, one of which the Gouger (Gaucho) rode, and the other was used by Captain Rea, Brother Arms and myself in rotation; the Governor and the Marines walking all the way. Before we arrived at the settlement the men had taken at least a dozen rabbits, an animal which abounds on some of these Islands. …

Port Louis consists of 10 or 12 low houses, some built of stone and others of turfs with thatched roofs. At the time of the massacre these were mostly pulled down and plundered and the place now exhibits a sense of wild ruin, two or three only of the buildings having been repaired for the reception of the Governor and the few men with him, amounting only to 23 in all. The Government house contains one comfortable room, furnished with a stove, a table, a cupboard, an old sofa and chest of drawers and a few chairs." [2120]

At Port Salvador, once Smith is out of sight, the Indians reappear with more beef carcases for *Antarctic*.

"On the same evening, after the Governor left the Vessel, 4 more Bullocks were received, and for which the Gauchos were paid in Rum,… the Gauchos did not come aboard this time, but a message was sent from Capt[n] Nash, by Frank, that they must keep a sharp lookout for themselves, as a party was coming out in an English Vessel of War, to take them up…" [2121]

In London, on the same day, Argentine Minister Moreno sends Palmerston's response to the protest of June 17, 1833, to Buenos Aires. [2122]

February 6th, at Port Louis, Lieut. Smith prepares a message which he asks the Reverend Coan to take back to *Antarctic*. With a request that Capt. Nash passes it on to other vessels.

2118 *Journal* of the Reverend Titus Coan.
2119 Luther Johnson, 2nd Mate aboard *Antarctic*, quoted in Pascoe 2022 vol.2 p.357 citing *ADM 1/42 doc.8*
2120 *Journal* of the Reverend Titus Coan January 5, 1834
2121 Luther Johnson, 2nd Mate, quoted in Pascoe 2022 vol.2 p.357 citing *ADM 1/42 doc.8.* Frank, seemingly, spoke Spanish.
2122 Caillet-Bois 1982 (6th ed.) p.355 fn.18

"I, Henry Smith, Lieutenant in His Majesty's Navy and Commanding at the East Falkland do acquaint all vessels that there is an establishment at Port Louis and that the six Gauchos in the Camp are Murderers and any assistance or support given them in exchange for beef or otherwise will be looked on by me as an aggression against the British Government." [2123]

To the south of Saunders Island, *Adventure* (Wickham) sails into the harbour of Port Egmont. William Low, seeing his old ship and; *"tired... of inaction..."*, offers his services.

"...he fell in with our tender, the Adventure, and immediately offered his services as a pilot: they were accepted, provisionally, by Lieut. Wickham, and afterwards by me, trusting that the Admiralty would approve of my so engaging a person who, in pilotage and general information about the Falklands, Tierra del Fuego, Patagonia, and the Galapagos Islands, could afford us more information than any other individual, without exception." [2124]

February 7th, at Port Louis, on *Hopeful*'s return, Mallors speaks to Smith.

"7.30 arrived the Hopefull last from P^t^ Egmont ... a M^r^ Mallors ***now in charge of her*** *and deposited in my care 175 seal skins and three pieces which he took from a Mr Low ..."* [2125]

"Low later convinced Smith that his threats to the others had been uttered in a "drunken frolic" and Smith gave him back the 76 skins rightfully due him. Smith retained the remaining skins belonging to Vernet,.." [2126]

In Berkeley Sound, a French warship *Victorieuse* (Lefevre) anchors; en-route to Valparaiso. [2127]

February 9th, in England, *Swallow* (James Nielson) arrives at St. Albans with news of the August, 1833, slaughter at Port Louis. [2128]

"... that the news of the murders could have remained unknown for so long underlines the extreme isolation of the Falklands. But the news still did not reach Buenos Aires for another two months." [2129]

In the Falkland Islands, at 2pm, *Antarctic* (Nash) sails into Port Louis.

February 10th, in anticipation of getting a letter out with the American sealer, Lieut Henry Smith settles down to write to his old captain, Charles Hope, of HMS *Tyne*. [2130]

"... I have at present but a cheerless prospect, the Marines are only victualled for six weeks, three has already elapsed & Captain Lefevre told me the Conway does not leave Rio before the latter end of March or April & I brought four months board & Tea &^c^ for 5 persons. ... we dwell in the midst of alarms for we see the fellows (murderers) for a moment on horseback, and then they vanish..." [2131]

2123 Smith's journal in *ADM 1/42.* Nash was not very willing, apparently, as Smith received the next day an; *"impertinent letter from the Master of the Antarctic."* Nash seems to have questioned whether, after Brisbane's death, there was any government at Port Louis. Somewhat hypocritical, as Nash, in September, 1831, had challenged Luis Vernet's right to seize American sealers. Vernet having been Brisbane's employer.

2124 Fitzroy 1839 vol.2 p331

2125 Smith's journal in *ADM 1/42.* My emphasis. Two casks of skins had been removed from the store in Port Louis on November 19, 1833 by Capt. Ferguson of *Susannah Anne*; the day before Low went aboard the vessel for a voyage to Saunders Island. Ferguson may have been acting on behalf of Low, who was the rightful owner of 76 of the 175 skins. Two casks instead of one? A simple error on Ferguson's part, perhaps. See below.

2126 Pascoe 2022 vol.2 p.361 and fn.3. See footnote 2100, above.

2127 *Journal* of the Reverend Titus Coan. Sailed again on February 9, 1834.

2128 Reported in *The Times* and *Evening Mail* Wednesday February 12, 1834. See December, 11, 1833, above.

2129 Pascoe 2022 vol.2 p.363

2130 Letter dated February 10/11, 1834. In full in Pascoe 2022 vol. 2 pp.347-348 and 363-365.

2131 *Smith to Hope February 10/11, 1834*

February 12th, in London, *The Times* publishes news of the Port Louis murders. As does the *London Courier & Evening Gazette,* based on James Nielson's third-hand account.

> *"On Dec., the 11th, in latitude 52 30 north and longitude 63 30 west, spoke to the cutter Susan Ann, Captain Ferguson, on a sealing voyage, and received the following information:- On the 26th of August a party of people were murdered at the Falkland Islands, left there a short time before by his Majesty's ship Clio. A few of the names I have got, viz. – Captain Brisbane, Mr Dickson, Mr Seeman, Mr Ventine, and many others."*

In Madrid, US Ambassador Van Ness presses for recognition of the Spanish-American states.

From Port Louis, *Antarctic* sails for a tour of the archipelago before sailing north. At Saunders Island, Capt. Prior (ex-*Hopeful*) takes passage on *Antarctic* for New Island. [2132]

February 14th, after some two months away, *Susannah Anne* (Ferguson) returns to Berkeley Sound. [2133]

On Eagle (now Speedwell) Island, Capt. Nash (*Antarctic*) puts a prisoner ashore; *"Mr. (Luther) Johnson, who has been some time in irons was put on shore today at his own request. He is to be left here with two boats, a gun and ammunition, a quantity of provisions, his share of seal skins etc."* [2134]

February 15th, in England, *Swallow*'s Captain, James Nielson, responds to a request from Lloyds of London regarding the murders at Port Louis in August, 1833.

> *"According to your desire, I send you such information as I am possessed of, respecting the massacre at Falkland Islands. Spoke the Susan Ann cutter, on a sealing voyage, which left the above Islands on the 10th Dec., 1833; her commander informed me that a number of gentlemen was landed from his Majesty's ship Clio, to take possession of the Falkland Islands, and that on the 26th August, at ten o'clock, a.m., were murdered by a few old residents, principally Spaniards, although headed by two Englishmen, one of whom was known to Capt. Fergusson, and owned to the deed committed, and immediately fled into the interior, with the others.*
>
> *After the murder, their intention was to take possession of a small vessel stationed a short distance from the place; fortunately, she had sailed a few hours before, otherwise, in all probability, more mischief might have been committed. Capt. F. took from Berkeley Sound two women and three children, and landed them on Saunders Island, until his Majesty's ship Clio arrived, which ship had been looked for, some time previous."* [2135]

In the Falklands, *Elizabeth Jane* (Albertson), a sealer out of New York, anchors at Eagle Island. As does *Adventure* (Lieut. Wickham); near *Antarctic* (Nash). [2136]

February 16th, at Valparaiso, Thomas Helsby is allowed to disembark from HMS *Challenger*, on the understanding that he will go to the UK to give evidence regarding the August 1832 murders when required to do so. [2137]

2132 *Journal* of the Reverend Titus Coan. Capt. Prior had commanded *Hopeful* until November, 1833.

2133 Last in the Falklands in December, 1833. A fortuitous return perhaps, as Ferguson could explain to Smith the circumstances of his taking the two casks of seal skins from Port Louis in November, 1833.

2134 *Journal* of the Reverend Titus Coan. See March 2, 1834, below.

2135 Reported in *London Courier and Evening Gazette* Friday February 28, 1834. A confused account, at best.

2136 The *Journal* of the Reverend Titus Coan who referred to the ship by its original name, *Unicorn*

2137 Pascoe 2022 vol.2 p.367. Before being allowed ashore, Helsby's journal was seized and retained by Capt. Lord James Townsend, commander of the Pacific Station. Helsby subsequently refused to go to England. See *Tait to Elliot October 10, 1834* in *ADM 1.42.* His journal is now in the Jane Cameron National Archives at Stanley, Falkland Islands.

At Rio de Janeiro, *Joseph Winter* arrives with news of the events of August, 1833.

February 17th, *Antarctic* (Nash) sails for Arch Island.

From Valparaiso, Helsby writes to Luis Vernet in Buenos Aires asking for his outstanding wages. Helsby provides a further account of the August, 1833, murders. [2138]

February 18th, meeting adverse winds, *Antarctic* sails back to Port Albermarle where Capt. Nash sees *Charles Adams* (Staunton) out of Stonington and her tender *Uxor*. Also *Commodore Barre* (Chester) from New York, and *Elizabeth Jane*, both American whalers. [2139]

"These vessels are all engaged in whaling. There are now five sail lying in the port, giving it a lively appearance. The safe and quiet harbours of this group are numerous, and many of them are landlocked. Many ships, barks, brigs, and schooners flock together in these bays." [2140]

At Eagle Island, Lieut. John Wickham of *Adventure* interviews the marooned Luther Johnson regarding Capt. James Nash's dealings with Antonio Rivero.

> *"I do hereby voluntarily make known, that the American sealing schooner 'Antarctic', Jas. S. Nash, Master, arrived at Port St. Salvador in the East Falkland, on the 29th January 1834 and that on the 30th the Chief Mate (Mr. Joseph Nash) and I think the captain also, went on shore and communicated with some Persons, from whom 2 Bullocks were received, and for which they were partly paid in Rum, with an understanding that they would be paid the full value when others were brought. These Persons, at the same time confessed themselves to have been the Murderers of the late Captn. M. Brisbane and others, who were murdered at Port Louis. Notwithstanding this, a fresh agreement was entered into, to supply some Bullocks, and for which the gauchos asked to be paid in Ammunition, Tobacco and Bread."* [2141]

At Rio de Janeiro, the *Jornal do Commercio* publishes news of the Port Louis murders. HMS *Conway*, bound for Valparaiso, is ordered to visit the Falklands to check the status of Lieut. Henry Smith and his boat's crew.

February 20th, the Reverend Titus Coan sails to New Island in one of *Antarctic*'s boats. There he finds the whaler *Hamilton* (Pendleton) and an American sealer, *Hancock* (Davison). [2142]

February 24th, Titus Coan and William Arms transfer to the *Hamilton*.

February 26th, *Antarctic* (Nash) sails for Brazil.

February 27th, at Port Louis, Lieut. Smith notes in his diary.

> *"Sent 5 marines with Santiago Lopez, Pasquel Diaz, Charles Kussler and Jose Manuel Prado, giving Santiago the paper in Answer to Antonio Rivero's message."* [2143]

2138 Somewhat garbled, apparently. See May 16, 1834, below.
2139 *Journal* of the Reverend Titus Coan.
2140 *Ibid* quoted in Pascoe 2022 vol.2 p.367
2141 In full in Pascoe 2022 vol.2 pp.356-357
2142 Whether this is the same Davison that had been sealing in the Falklands in 1831, is not certain, although both he and Nash had worked for the same group of ship owners. *cf.* 1831
2143 Smith's journal in *ADM 1/42.* These men (plus José Maria Luna) had initially made an offer to hunt down the killers on February 23, 1834, provided they were armed and paid 100 dollars. On that occasion Smith declined, fearing they may be captured and lose the weapons. Clearly, he had had a change of heart although only the marines were armed. See Pascoe 2022 vol.2 pp.369-370.

March 1st, a French whaler, *Albatross*, sails into Berkeley Sound.

In Buenos Aires, Luis Vernet draws up a final account of his venture on the Falkland Islands from 1825 to December 31st, 1831.

"In the accounts for the establishment, he gives the value of the "Colony of Malvinas destroyed by the Commander of the North American Corvette of War Lexington" as 211,728 pesos and 4 reales (about £45,880), though it is unclear how he arrived at that figure ... he treated all the money he had invested since August 1825 (less the profits made since then) as losses caused by the Lexington..." [2144]

March 2nd, at New Island, a whaler *Talma* (Allyn) arrives. Titus Coan negotiates passage to the USA for himself and Brother William Arms. Also taken on board is Luther Johnson.

March 6th, on East Falkland Island, the Marines searching the countryside see Antonio Rivero. Santiago Lopez speaks to him; passing on Lieut. Smith's message of January 27th.

"... on the fifth day after leaving the Settlement, they saw Antonio Rivero on the top of a hill, when Santiago Lopez held up a white handkerchief, the former approached on horseback out of musket range, and had a conference with the latter who gave him my answer, and explained it;..." [2145]

From Port Louis, *Hopeful* (Mallors) sails for England, taking letters and a passenger - Lieut. Henry Rea. [2146]

At New Island, American whaler *Atlantic* (Young) arrives.

March 7th, near Port Louis, in the early morning, Antonio Rivero drives 53 horses towards the waiting Marines but does not surrender himself. Four Charrúa Indians - Luciano Flores, Manuel Godoy, Manuel González, and Latorre - now on foot and without the means of escape, give themselves up.

"... after some hesitation, he determined the following morning to betray his companions, and deliver the horses (fifty-three) being his turn to take care of them, which he accordingly did and the four Indians seeing the course things had taken, surrendered." [2147]

Lieut. Smith makes a note in his log.

> *"Marines with Santiago came in with all the horses ..., also four Indians the other remaining in the Camp having broken his thigh by a fall ..."* [2148]

Once the prisoners are secured, Smith questions each of them about their part in the riot of August, 1833.

"... having been betrayed into the hands of Lieutenant Smith, by their ringleader, he examined them, they implicated the late crew of the Unicorn... as accessories to the murders: Lieutenant Smith immediately arrested three of the crew who had remained at Port Louis, ..." [2149]

2144 Pascoe 2022 vol.2 pp.372-375

2145 *Smith to Sir Michael Seymour June 30, 1834* in *ADM 1/42*

2146 Having commenced the *Hopeful* voyage in July, 1833 as "supercargo", before driving three captains to quit, Lieut. Rea appears to have returned home in the same ship and with much the same status - cargo. If this was not somewhat humiliating, it should have been. See, *In Search of the origin of an Antarctic ghost ship: The legend of the Jenny re-evaluated.* Cambridge University Press May 27, 2022

2147 *Smith to Sir Michael Seymour June 30, 1834* in *ADM 1/42*

2148 Felipe Salazar had remained near Port Salvador, unable to move due to his injury. After delivering the horses, Rivero appears to have gone to assist Salazar.

2149 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in *ADM 1/43*

"... some of the Englishmen that were in the Islands were more or less implicated in the massacre (but) there is nothing else in the Papers to justify such a suspicion." [2150]

March 8th, the four Charrúa Indians are marooned on Peat Island.

Lieut. Henry Smith takes a statement from Henry Channon, former carpenter aboard *Unicorn*, before giving instructions for two of his boats crew, and four marines, to sail for Port Egmont; *"... to bring the three women, the children, Coronel, George Hopkins or any of the Englishmen who were here during the Murders, using mildness with the former and force if necessary with the latter."* [2151]

"... hearing that the others were at Port Egmont, West Falkland, he despatched (in the English sealing cutter Susannah Anne) six marines..." [2152]

March 9th, off Berkeley Sound, USS *Potomac*, on the homeward leg of a circumnavigation, considers options.

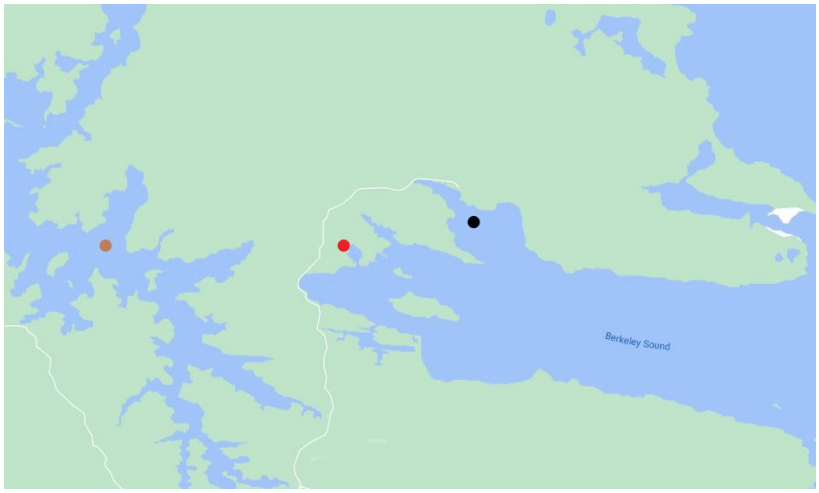
"We stood around to the east end of the island, with the intention of going into Berkley (sic) Sound, in compliance with discretionary instructions which the commodore had received from the department to that effect. ... a person by the name of Smith, of whose office or character nothing is known, has lately warned sealers not to visit these islands, still it is presumed that they can do so with perfect safety. If they are molested, it is an easy sail for one of our sloops-of-war on the Brazil station to run down there and break up Mr. Smith... If Great Britain should advance any pretensions to the exclusive use of the fisheries at the Falklands, it is to be hoped that such pretensions will be as strenuously resisted as were those of the Argentine Republic – indeed more strenuously..." [2153]

March 9th, *Talma* sails from the archipelago.

March 10th, HMS *Beagle* returns to East Falkland with a cargo of wood; dropping anchor in Johnson's Harbour.

"Captain Robert Fitzroy, and the crew had spent just over a year surveying the coasts of Patagonia and Tierra del Fuego." [2154]

March 12th, Captain Robert Fitzroy moves *Beagle* around to Port Louis.



L-R: Brown = Port Salvador, Red = Port Louis, Black = Johnson's Harbour

> *"We found a state of affairs somewhat different from that of March 1833; but though more settled, in consequence of the presence of an established authority, resident at Port Louis (a lieutenant in the navy), my worst forebodings had not equalled the sad reality."* [2155]

2150 *FO 78/1/102-103*
2151 Smith's journal in *ADM 1/42.* The vessel eventually used was *Susannah Anne*
2152 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in *ADM 1/43*
2153 *Voyage of the United States Frigate, Potomac...* J. N. Reynolds 1835 p.479 & pp.514-514. Seemingly, they opted for discretion, and sailed away. c*f.* October, 1837
2154 Pascoe 2022 vol.2 p.376
2155 Fitzroy 1839

"... Smith, who is acting as Governor, came on board, & has related such complicated scenes of cold-blooded murder, robbery, plunder, suffering, ... With poor Brisbane, four others were butchered;.." [2156]

From *Beagle*, naturalist Charles Darwin writes to his friend, John Henslow; *"... this little seat of discord has lately been embroiled by a dreadful scene of murder, and at present there are more prisoners than inhabitants. If a merchant vessel is chartered to take them to Rio, I will send some specimens."*

In England, on the same day, in a letter to the Colonial Office, George Whitington claims that he has been granted a *"portion of lands"* by Luis Vernet. [2157]

Whitington also asserts that Vernet's horses and boats have been *"signed over"* to him and that, while *"several traders"* were aware of the advantages to be found in the archipelago, if it was not possible to reach an agreement with the British Government. So he was willing to sell his concession *"immediately"* to the Americans. [2158]

"The British Ministry, in accordance with the plan drawn up by its advisers, denied any value to the concession and announced that it had not yet determined anything regarding the future of the archipelago (17 March)."[2159]

March 13th, at Port Louis, *Adventure* (Wickham) arrives with its new pilot, William Low; *"... she had almost completed her examination of the west, south, and south-east outer coasts, in a very satisfactory manner, having been greatly forwarded and helped by Mr. Low's minute acquaintance with every port, and almost every danger..."* [2160]

Capt. Robert FitzRoy goes ashore.

> *"When I visited the settlement it looked more melancholy than ever; and at two hundred yards distance from the house in which he had lived, I found, to my horror, the feet of poor Brisbane protruding above the ground. So shallow was his grave that dogs had disturbed his mortal remains, and had fed upon the corpse. This was the fate of an honest, industrious, and most faithful man: of a man who feared no danger, and despised hardships.*
>
> *He was murdered by villains, because he defended the property of his friend; he was mangled by them to satisfy their hellish spite; dragged by a lasso, at a horses heels, away from the house, and left to be eaten by dogs."* [2161]

Susannah Ann(e) returns from Egmont harbour; with two women, two children and a gaucho. [2162]

2156 Extract from the *Diary* of Charles Darwin

2157 *CO 78/43 4927 Monsieur Vernet's Case.* Premature as Vernet would not agree to the reassignment of Langdon's 10 square mile plot until May, 1834. Somewhat eccentric, Whitington was prone to wild claims. *cf.* 1831 & 1840

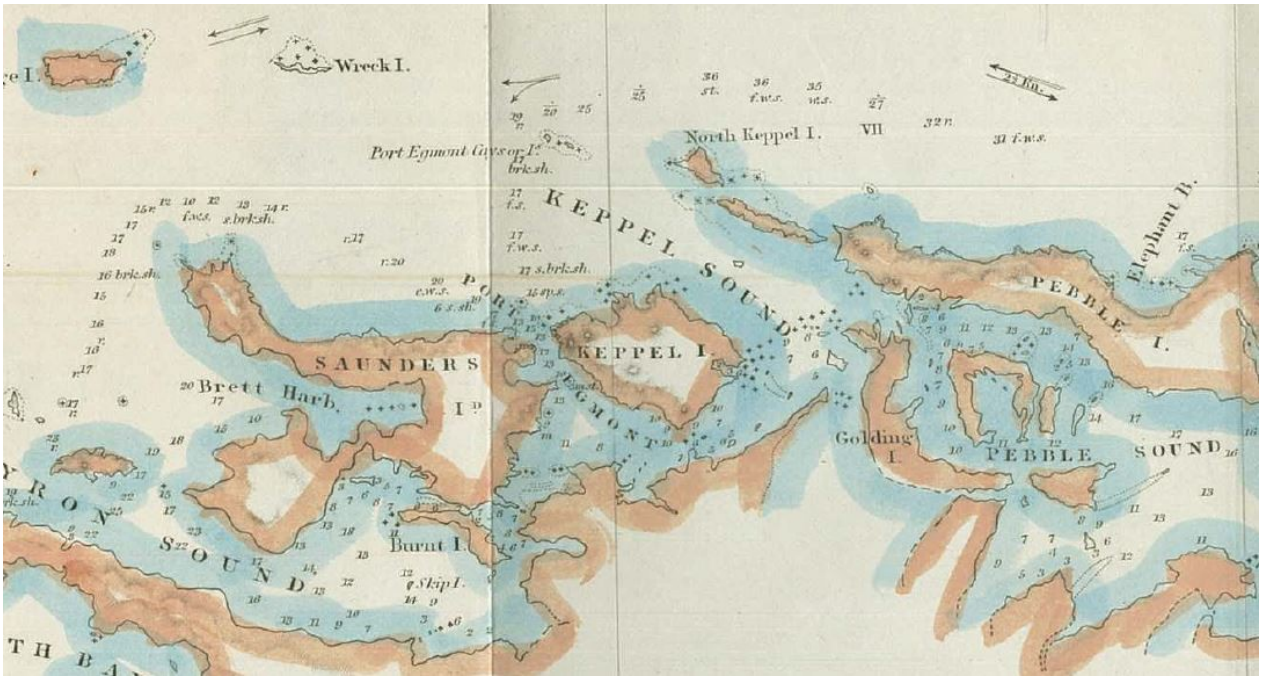
2158 Caillet-Bois 1982 (6th ed.) p.391

2159 *Ibid.* p.391

2160 Detail of chart (next page) produced after the survey of 1834 and attached to Lieut. Governor Moody's report of 1841. Entitled – *The Falkland islands, Surveyed by Cpt.n Robert Fitzroy R.N. And the officers of H.M. Ship Beagle 1834: The Inner Bays from Port Harriet to the Eagle Passage are from the surveys of Lt. Sullivan & W. Robinson R.N. 1838 & 1839*. See - https://falklandstimeline.files.wordpress.com/2023/10/copies-or-extracts-of-any-correspondence-relative-to-the-falkland-islands-1843.pdf between pp. 38-39. See 1841 below.

2161 Fitzroy 1839

2162 Smith's journal in *ADM 1/42.* Gregoria, Carmelita, with her two children, and Manuel Coronel, who was ill. Despite instructions, Antonina Roxa, George Hopkins, Francis Machado and Faustino Martinez remained on Saunders Island. See April 11 below.



March 14th, Lieut. Smith sends *Susannah Anne* to fetch the last of the Indians, Salazar, from Salvador Bay.

March 15th, detained, Henry Channon is taken aboard the *Beagle*. [2163]

March 18th, at Port Louis, Antonio Rivero surrenders to Lieut. Smith. Fitzroy has him placed aboard *Beagle*.

"Finding him (Smith) much encumbered with prisoners, some of whom are notorious villains, I removed two of the worst (Henry Channon & Antonio Rivero) from the shore to the Beagle..." [2164]

"... the principal murderer, Antuco, has given himself up. He says he knows he shall be hanged but he wishes some of the Englishmen, who were implicated, to suffer with him; pure thirst for blood seems to have incited him to this latter act. Surrounded as is Mr Smith, with such a set of villains, he appears to be getting on with all his schemes admirably well." [2165]

"The Gaucho Rivero represents that intrinsic motivation of revolt against colonialism in the Latin American peoples, ... this simple man tired of the abuse of the invaders and with the feeling of national belonging in his veins a symbol for his eventual followers in the islands and then for a Nation that gave account of its stories 175 years later thanks to the change of state vision on the Falkland Islands." [2166]

At 6pm, *Susannah Anne* returns from Port Salvador with the injured Charrúa Indian, Felipe Salazar. [2167]

March 19th, in London, the Colonial Office (Hay) responds to Whitington's letter of March 12th.

> *"The grant which you have obtained from the government of Buenos Ayres can in no way be recognised by the British Government, nor can it be admitted as giving the possessor any right to the land which he declares to belong to him. As to your proposal to present this instrument with a view to obtaining a*

2163 Smith's journal in *ADM 1/42*.
2164 *Fitzroy to Rear Admiral Sir Michael Seymour* April 4, 1834 in *ADM 1/42*
2165 Extract from the *Diary* of Charles Darwin.
2166 Pereyra & Argento 2016. Utter nonsense. Rivero and his gang murdered Vernet's managers over unpaid debts. Nothing ideological. Just money. *cf.* 1833
2167 Smith's journal in *ADM 1/42*.

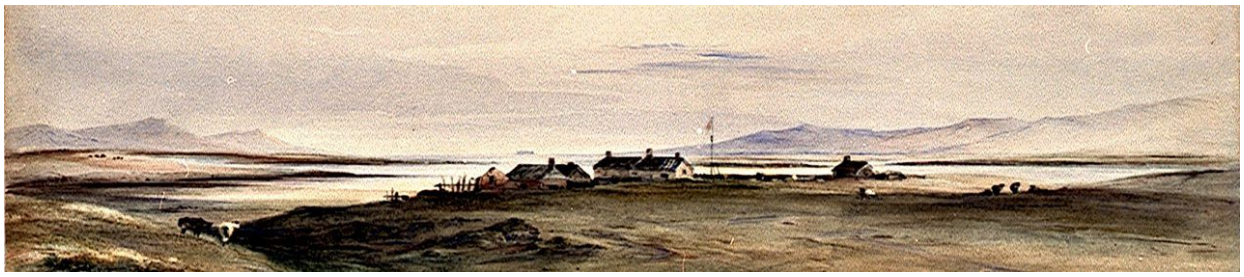
similar concession from the British Government, I have been directed to inform you that His Majesty's Government has made no determination on the question of encouraging individuals to leave this country to settle in the Falkland Islands." [2168]

March 21st, from Port Louis, *Adventure* sails to complete its survey work.

March 22nd, in London, George Whitington writes to Lord Stanley.

"Whitington repeated his attempt a few days later, though replacing the proposed matter with a new one, namely: "That the British Government would... grant me such a grant of land in the Falkland Islands, etc., as may be mutually agreed, subject to such regulations and stipulations as may be deemed necessary; but on the express condition of me to release the British Government from any expense whatsoever and the subsequent obligation of me to pay a reasonable salary to the military Governor appointed by the Crown." It was also requested that the ports of the islands be (open), being only subject to the port tariffs that would henceforth be agreed between both parties, and putting an end to the rampant slaughter of cattle and amphibians. For all this, Whitington asked to be named civilian Governor of the Establishment, although without claiming any salary. "... arrangement would ensure Britain, the biggest advantage of that are susceptible to these islands, providing immediate benefits to businesses of Australasia, South America, etc., that of the greatest – and creating at the same time a Station safely, in comfort (as needed by the British warships, etc., in the Southern hemisphere),".." [2169]

March 25th, at Port Louis, *Beagle*'s official artist, Conrad Marten, sketches the settlement. [2170]



A French whaler, *Polletais* (Le Guen), arrives in Port Louis.

March 26th, in England, the *London Evening Standard* reports.

"Our occupation of the Falkland Islands continues to excite much discontent in Buenos Ayres. We confess that we do not understand the merits of the question."

In the Falklands, *Adventure* returns to Port Louis.

March 29th, London's *Morning Chronicle* notes that on East Falkland island; "*At least 7,000 head of fine wild cattle, and 500 wild horses, are roaming over a large expanse of the most excellent pasturage. Game is also in abundance, particularly rabbits, and the shores abound with excellent fish, as well as whales and seals."*

March 30th, *Adventure* sails from Port Louis to continue its survey work.

2168 Quoted in Canclini 2014. No citation.

2169 Caillet-Bois 1982 (6th ed.) p.391 citing *G. T. Whitington to Stanley, London, 22 March 1834*

2170 Much photo-shopped on the internet to show a different flag. The artist's originals are in the Royal Maritime Museum at Greenwich. One colour painting was completed, while other sketches were used to make engravings for lithographs that appeared in the publications by Fitzroy. These sketches were less detailed than the painting, and it has been argued that they show an Argentine flag flying over the settlement. Smith flew the ensign of the Royal Navy and it was that flag that was drawn by Martens.

April 1st, a French whaler, *Albatros* (Davey) anchors in Port Louis.

April 2nd, in London, George Whitington is informed: *"that His Majesty's Government does not deem it appropriate to encourage the formation of any establishment on the Islands."* [2171]

April 4th, from Port Louis, FitzRoy writes to Rear Admiral Seymour to inform him that he will keep Rivero and Channon on board *Beagle* when he sails; secure until they can be transferred to another vessel for transport to Rio de Janeiro. Luna, the King's witness, is also taken on *Beagle*; *"... lest he should escape from the Islands, or fall a victim to the anger of his companions..."* [2172]

April 6th, Charles Darwin writes to his sister; *"We found that the Gauchos under* ***pretence of a revolution*** *had murdered & plundered all the Englishmen whom they could catch & some of their own country men."* [2173]

"... at the time of the rampage of Rivero, there was nothing remotely resembling a revolution in Malvinas." [2174]

In Berkeley Sound, the body of Lieut. Clive of HMS *Challenger* is discovered. [2175]

April 7th, *Beagle* sails for Patagonia, taking Antonio Rivero, Jóse María Luna and Henry Channon.

"With the three men on board, the Beagle spent the next three months surveying Patagonia and the Strait of Magellan, then began working steadily northwards up the Chilean coast." [2176]

On the same day, French whaler *Albatros* (Davey) sails for Rio de Janeiro. [2177]

April 8th, in London, George Whitington sends a copy of his Association Prospectus to the Government. [2178]

April 11th, at Port Louis, *Susannah Anne* arrives from Saunders Island with three people detained on suspicion of complicity in the murders of August, 1833; also Antonina Roxa. [2179]

Lieut. Smith arranges for Roxa to break cows caught by the gauchos in exchange for; *"... every other calf of every cow she tamed. I did this as I had no funds to pay her for her labour, ... and I do further certify that this woman's labour has been the means of my having so many cattle."* [2180]

In Johnson's Harbour, HMS *Conway* (Henry Eden) anchors.

"Shortly after we left Berkeley Sound, a man of war came in; she has taken away all the prisoners, & now the island is quite quiet." [2181]

2171 Canclini 2014. No citation.

2172 *FitzRoy to Seymour April 4, 1834* in *ADM 1/42.*This letter was handed to the French whaler *Albatros*, which delivered it in Rio de Janeiro on May 19, 1834. FitzRoy's letter described Channon as one of the killers although he is not mentioned as such in Helby's account. *cf. George Gipps, August 2, 1834* in *CO 78/01*

2173 *Charles Darwin to Catherine Darwin April 6, 1834.* My emphasis.

2174 Peña & Peña 2018

2175 Drowned January 20, 1834, when a boat overturned.

2176 Pascoe 2022 vol.2 p.386. *Beagle* finally returned to England in October, 1836, its survey work complete.

2177 Arrived April 26, 1834, with Fitzroy's letters for the British Admiralty. Which were forwarded May, 6, 1834.

2178 Canclini 2014

2179 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in *ADM 1/43.* Also Smith's journal in *ADM 1/42*. Following *Susannah Anne*'s previous visit, the only people remaining at Saunders Island would seem to have been Antonina Roxa, George Hopkins, Francis Machado (ex-*Unicorn*) and Faustino Martinez.

2180 *Smith to Lowcay April 6, 1838* in *The Governor's Year: Moody at Port Louis* David Tatham 1993 p.17. In full in Pascoe 2022 vol.2 p390. So proficient was Roxa, that within a few years she owned a large herd.

2181 Extract from the *Diary* of Charles Darwin dated May 22, 1834. Darwin appears to have obtained this information from *Adventure.* See May 22, 1834, below.

April 13th, Port Louis prisoners – Luciano Flores, Manuel Godoy, Manuel González, Latorre and Felipe Salazar – are taken onto *Conway* together with detained '*witnesses,*' George Hopkins, Patrick Kerwin, Daniel McKay, John Stokes (all ex-*Unicorn*) and gaucho Faustino Martínez.[2182] HMS *Challenger's* six marines, left to support Lieut. Smith, also *Conway*. Lieut. Henry Smith pens a letter for the Rear-Admiral at the Rio de Janeiro station, noting that those remaining at the settlement are; *"... my own four men, two Englishmen, a Black cook, a German, 3 Gauchos, a Montevidean, three women and two children."* [2183]

April 17th, HMS *Conway* sails for Valparaiso.

"Three of the prisoners were sent off in His Majesty's Ship Beagle, and ten in the Conway in April 1834, which freed the Islands of these Criminals." [2184]

April 18th, at Port Louis, Lieut. Henry Smith issues a warning to Captain Ferguson of *Susannah Anne*.

> *"The North and South Rocks at the entrance of the Bay (Berkeley Sound) I consider as the Fisheries directly belonging to the Colony as it is all the support that several persons have who now reside at the Settlement and as these Islands abound in Fur Seal Rookeries it is my direction to all Sealers and Whalers they do not interfere with these privileges."* [2185]

Ferguson does not protest. *Susannah Anne* sails for Brazil to be refitted.

April 25th, in Montevideo, the French whaler *Polletais* anchors carrying news from the Falkland Islands. [2186]

April 26th, news of the August, 1833 revolt at Port Louis is published in *The British Packet & Argentine News*.

> *"Accounts received yesterday from the Falkland Islands, via Montevideo... It is said that captain Brisbane, and three others, were killed: that the massacre arose from a quarrel; and that the seven Gachos implicated in the murders were seized; two of them, as being the ringleaders, were placed in irons on board HMB's bargue Beagle and the other five were on shore in confinement..."*

"... in two brief and contradictory articles... Those two accounts give no names of victims apart from Brisbane;.." [2187]

April 30th, in Buenos Aires, the *Gaceta Mercantil*, reports on the *"vile"* murders of Vernet's employees. [2188]

> *"... the seamen being occupied at some distance fishing, and three of the gauchos hunting rabbits in the camp, since they had no work on horseback in winter, three of the gauchos conspired with the five Charrúas to perpetrate the following murders:- one of them killed the capataz with a shot when he was busy salting meat; two others entered the room of the main house where Captain Brisbane was reading next to the stove, and fired a shot at him from behind, finishing killing him by stabbing him; then they went to another room where they did the same to a South American; from there they went to the house of the storekeeper, and killed him in the same way...*

2182 Hopkins is known to have supplied Antonio Rivero with ammunition before the murders, as had Channen. Faustino Martínez, who, having not been present at Port Louis during the murderous riot in August 1833, was eventually put ashore at Rio de Janeiro. His only crime, if it was one, was to have lent Luciano Flores his sword.

2183 *Smith to Seymour April 13, 1834* in *ADM 1/42 No.11.* Letter in full in Pascoe 2022 vol.2 p.388.

2184 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in *ADM 1/43*

2185 *Ferguson to Lord Glenelg (undated)1835* in *CO 78/2 fols. 104-105.* Smith would issue a second warning to the *Susannah Anne* in January, 1835. See below.

2186 *Polletais* had visited Port Louis on March 25, 1834. The news of the August, 1833 murders, albeit inaccurate, most likely first reached Buenos Aires from this source.

2187 Pascoe 2022 vol.2 p.392

2188 Almost certainly authored by Luis Vernet, on the basis of the account provided by Helsby.

It is believed that the object of the crime committed was the theft and possession of the horses, of the use of which the Indians had been deprived during the three years in which they had been in the islands, it being considered dangerous to entrust them…" [2189]

"Now the truth was known in Buenos Aires in all its awful detail. It is noteworthy that there is not the slightest suggestion that the murders had any anti-British purpose – Vernet's article speaks only of "vile murders". [2190]

In London, the government inform George Whitington that, as regards his letter of April 8th; *"the formation of an establishment in those islands has already been under consideration, but that the government of His Majesty is not willing at the moment to give sanction to the proposed association."* [2191]

May 7th, Buenos Airean Governor, Juan José Viamonte, sends a message to the Legislature of the Province.

"… the government (announces) that the protest led by the Argentine minister at the court of London on the violent occupation of the islands by British forces has not been satisfactorily answered, but the government,… does not give up its efforts."

May 8th, in Montevideo, Edward Lumb, a friend, writes to Charles Darwin with regard to news of the murders.

"Accounts rec'd from a settler called Helsby who left the Falklands in the Challenger are all the particulars we have received; This affair is classed here in its true light and is not considered of any political tendency…"

May 13th, at Valparaiso, HMS *Conway* anchors near HMSs *Challenger* (Seymour), *Samarang* (Paget) and *Dublin* (Townsend). [2192]

"His Britannic Majesty's ship Conway arrived at Valparaiso on the 13th May, having on board the following prisoners, who were connected with the late murders at the Falkland Islands, viz., Luciano Flores, Felipe Manuel Godoy, Manuel Gonzales, Latorre, F. Martinez, D. McKay, J. Stokes, G. Hopkins, and P. Kerwin. The five first mentioned are Charruas Indians; the four latter are Englishmen, and formerly belonged to the schooner Unicorn, Captain William Low. Those who are stated to be most implicated in the horrid transaction are in custody on board his Britannic Majesty's surveying bark Beagle, Captain Fitzroy, viz., Henry Chanmer (Channon) (an Englishman), Antonio Rivero, and Jose Maria Luna. … The whole are to be tried in England, and if found guilty, it is thought that one or two of the Gaucho prisoners will be transmitted to the Falklands, in order to be executed, as an example. It was generally supposed that it would go hard with the Englishmen, particularly Chanmer (sic) and Hopkins, as they are reported to have been acquainted with the intention to commit the murders, and to have supplied the murderers with powder and ball the night previous to the deed. They, it is said, surrendered themselves to the Governor on condition that he would intercede for their lives."[2193]

May 15th, *Conway* hands over its detainees to HMS *Dublin* [2194]

May 16th, in Buenos Aires, Luis Vernet denies any suggestion that a lack of payment was the cause of the riot.

"The causes which you suppose to have occasioned the murders are far from being satisfactory. Is it not much more likely to suppose that men having been deprived for several years of the use of horses, who had been, you may say, bred and born on a horses back, that the getting possession of the horses

2189 In full in both the original Spanish, and an English translation, in Pascoe 2022 vol.2 pp.394-395
2190 Pascoe 2022 vol.2 p.395
2191 Canclini 2014
2192 Lord James Townsend was the senior officer present, but due to return to the UK.
2193 *The Globe* Monday September 29 1834
2194 *Log of HMS Dublin* in *ADM 51/3140.* See also *Hamond to Eliot October 10, 1834* in *ADM 1/42*

was the principle inducement for them to commit the crime? Five of the murderers were horse Indians, prisoners of war of the banda Oriental, sent there by the Montevideo authorities... The want of bread which you alledge (sic) as another cause, is still less probable...

Did you leave the Island because Gov^r^ Smith took possession of my property, or did he take possession of it because you were going to leave the Island? ... Why did you not ask Gov Smith for a receipt or certificate of the quantity of skins hides &c that he took under his charge? What quantity of hides & other property did you leave there? Were there any rabbit skins. ... What quantity of tame cattle was there on 24th Aug? Who was minding it?... "[2195]

May 21st, in London, *Hopeful* (Mallors) returns to its owners Enderby brothers. Henry Rea reports his arrival to the Admiralty. Having promised to hand over the map of the voyage and the logbook, he fails to do so.[2196]

"Therefore, almost nothing is known about the voyage of these two ships (Hopeful & Rose) into the ice..." [2197]

In the Falkland Islands, HMS *Rapid* comes to anchor. [2198]

May 22nd, sailing near the Strait of Magellan, HMS *Beagle* rendezvous with *Adventure*. [2199]

"... we saw Adventure coming from the Falklands." [2200]

May 23rd, the *Hobart Town Courier*, Tasmania, reports:

"Capt. Fitzroy, of the Beagle, is making a survey of the Falkland Islands. Lieut. H. Smith, late first lieutenant of the Tyne, is appointed Governor of these islands. A party of marines was also to be dispatched to form the nucleus of a new colony. A considerable number of British emigrants is already settled on the eastern island, at the head of Berkeley sound. The town is called Port Louis. There is no timber on the islands but peat is plentiful. The climate is not severe and there is good anchorage all round the coast. A cargo of timber to this colony would pay well among the settlers, and the ship might speedily fill up with oil, seal skins and salt fish."

May 31st, from Buenos Aires, Luis Vernet agrees to the reassignment of Langdon's 1831 grant to George Whitington.[2201]

2195 *Vernet to Helsby May 16, 1834.* In full in Pascoe 2022 vol.2. Helby's letters had not contained much detail, leaving Vernet confused as to who had been killed, and by whom. Vernet, however, seemingly wished to deflect any blame from being directed at him for not providing the settlement's managers with sufficient funds to pay the gauchos and Indians. Helsby was clearly not in any hurry to return to Buenos Aires, despite his wife being a guest at Vernet's home, as he was still in Valparaiso four months later.

2196 Lieut. Rea promptly quit the Royal Navy and found employment as a Harbour Master in Liverpool.

2197 See - https://www.cambridge.org/core/journals/polar-record/article/in-search-of-the-origin-of-an-antarctic-ghost-ship-the-legend-of-the-jenny-reevaluated/2D88EE4809DBEB54676E3904A48C3A78

2198 Remaining until July 20, 1834.

2199 With its pilot, William Low. After 8 years association, there is no evidence that Low ever again visited the Falkland Islands. He did, however, continue as pilot on both *Adventure* and, later, *Beagle*, working for Fitzroy surveying the coasts of Chile until, at least, 1836. Low would seem to have ended his days on the Island of Chiloé, in southern Chile; dying in September, 1841. For a Chilean account of Low's time in the South Atlantic and Pacific, see *Antecedentes históricos referidos a la caza de lobos marinos y su interacción con el medio geográfico y humano en el extremo austral americano: el caso del lobero escocés William Low* Marcelo Mayorga 2016.

2200 Extract from the Captain Fitzroy's Journal dated May 23, 1834. Darwins Diary notes the date as the 22nd.

2201 *Vernet to Whitington May 31, 1834* in *AGN VII 132 doc.188. cf.* October, 1831 & December, 1833. Langdon accepted £500 from Whitington despite having been previously informed by the British Government that Buenos Aires had had no right to grant land to Vernet; nor Vernet to assign it. Not actually very clear whether Langdon had paid Vernet for it.

"... for the present it may suffice to state that I confirm on you your heirs or assigns, all the grants, rights, privileges, and authorisations which I have conferred on William Landon Esq[r] and which were by him endorsed to you. I shall be very happy to see your endeavours for the speedy colonisation of the Falklands be crowned with complete success, to which I will contribute as much as lays within my power..." [2202]

"... (Whitington) caused me a great deal of useless loss of time and trouble with his correspondence, until I discontinued it in consequence of his not contenting himself with my confirming the document he obtained from Lieut Langdon but requesting me also to make over to him all my title deeds, originals and copies, as if sold to him in consideration of a sum of money, ... he promising on his part, to claim from the British government or from Parliament in his own name, the acknowledgment of my rights of property; and also assuring me that he, as a British subject, would readily obtain an acknowledgment of the title, whereas I as a foreigner would not have the slightest chance of obtaining justice ... These irregularities and unjustifiable assertions of Mr. Whitington having induced me to discontinue all correspondence with him... he finding he could not obtain from me what he wanted, he published in one of his pamphlets that I was dead!!" [2203]

"On the other hand, Vernet was not deterred by the change of flag, because, in his opinion, whoever the owner was had to respect his rights; "they would take nothing from me, on the contrary they would protect my property"." [2204]

In **June**, in London, the Colonial Department's R. W. Hay suggests that before any colonization of the Falklands can take place, it is essential that Britain publicises; *"... the measures that have been taken by the Admiralty in affirmation of our rights, and especially if only a small British force is to stay there."* [2205]

June 5th, in Buenos Aires, the House of Representatives meet to consider Lord Palmerston's response.

"It regretted that England had not given a decisive answer as to the Falkland Islands, but it relied on her justice." [2206]

"For his part, (charge d'affaires) Gore, wishing to neutralize the legion of "unfounded" documents scattered widely in "these imperfectly illustrated republics", qualified his time by giving confidential reading to some of the foreign agents in Buenos Aires, as well as to the more "enlightened and upright of the natives", of the response given by Viscount Palmerston to Moreno's note." [2207]

From Valparaiso, on the same day, HMS *Dublin* (Townsend) sails for Rio de Janeiro. [2208]

"He had been recalled to Britain, but before he left, he ordered Thomas Helsby to return to Britain, as Helsby had agreed to do when he landed from the Challenger in February; Townsend would presumably have taken Helsby aboard the Dublin for passage to Britain, but Helsby refused to go and was left at Valparaiso." [2209]

June 12th, in Madrid, Spanish Secretary of State, Martinez de la Rosa, announces that the Queen Regent is willing to reach a *'just and honorable arrangement'* with any Spanish-American representatives that arrive

2202 *Vernet to Whitington May 31, 1834* in *AGN VII 132 doc.188.*
2203 Vernet letter to Britain's Colonial Secretary dated September 6, 1852 in *AGN VII 2-3-7*
2204 Caillet-Bois 1982 (6th ed.) p.379
2205 *Ibid*. p. 392
2206 *London Courier & Evening Gazette* Monday August 4, 1834
2207 Caillet-Bois 1982 (6th ed.) pp.356-357
2208 Taking its 10 prisoners from the Falklands.
2209 Pascoe 2022 vol.2 pp.399-400

before her Ministers in Paris or London; *".. the intention is to recognise unconditionally the independence of the new states,..."* [2210]

June 16th, from Buenos Aires, Minister Guido instructs Ambassador Manuel Moreno to go to Paris and open preliminary negotiations with the French Government for a treaty of friendship, commerce and navigation. Guido believes that this may bring pressure to bear on the British to negotiate over the Falklands. [2211]

July 2nd, Luis Vernet writes to the Commander-in Chief of the British base in Rio de Janeiro.

> *"Urgent attentions in this city having prevented me from attending personally to the maintenance of my settlement at the Falkland islands, I had sent thither, an agent, Mr. Matthew Brisbane accompanied by several assistants to do the needful until such time as I might have it within my power to re-establish my colonial business on its former footing; but these unfortunate and faithful servants having been barbarously and wantonly assassinated, my affairs there were thrown into total confusion, without having it at present in power to remedy the evil. Under these circumstances, and presuming the welfare of these Islands to be under your special charge, I take the liberty of addressing you the present letter, with a view to claim your protection, by your giving the necessary orders for securing the remains of my property from further ruin.*
>
> *By so doing you will not only do me a great favor in my distress, but also do a public service, since by the preservation of the remains of my settlement the foundation of new ones will be exceedingly facilitated. I have accordingly taken the liberty to accompany herewith a letter to the Governor of the Falkland Islands, which may in a measure serve as an instruction, begging the favor of its being forwarded by first opportunity, with a recommendation by you for its observance.*
>
> *The late defenceless situation of the settlement, rendered it the prey of evil inclined dealers among which Capt. Ferguson of the Susana Ann of London particularly distinguished himself, by shooting a number of newly tamed native horses, which had been intended to replace the other horses that are growing old, ... Now that there is a garrison I no longer apprehend similar outrages;.."* [2212]

"Vernet followed the letter with four closely-written pages of copied extracts from seven texts, all describing the losses suffered by the settlement from captains Low and Ferguson." [2213]

In an enclosed letter for Lieut Smith at Port Louis, Luis Vernet says:

> *"...it being at present absolutely out of my power to send down another agent, I beg the favor of you to take charge of all my property, endeavouring to preserve it as much as lays in your power until I may be enable to return to the Settlement,.. I beg leave to make some observations..."*

Vernet adds detailed instructions for the, "*preservation of the horses*," and the, "*maintenance of the gauchos*."

> "*You will have observed that horses thrive outdoors, even in winter as long as they do not feel the back, in which case it will be convenient to heal said wounds.*
>
> *For this, it is better to trust Europeans than gauchos, people who are very used to the abundance of horses in their own land, to the point that they never see the need to take care of them. Although*

2210 *Van Ness to McLane August 6, 1834.* Following Ferdinand's intransigence, this was a big adjustment in State policy.
2211 Caillet-Boise 1982 p.355
2212 *Luis Vernet to Sir Michael Seymour July 2, 1834* in *ADM 1/43.* Also *Archivo General de la Nacion, Sala VII, Legajo 132, Documento 198.* In full in Pascoe 2022 vol.2 p.402. Seymour died before the letter arrived in Rio de Janeiro.
2213 Pascoe 2022 vol.2 p.403

horses are resistant to the harsh weather, they are not resistant to fatigue like Europeans, which is undoubtedly due to their feeding on grass and not grain.

Hence, the work of hunting cattle, very violent in itself, cannot be carried out with the same horse for a long time, which is why the gaucho changes his horse two or three times a day and does not ride the same horse for two days." [2214]

Also enclosing a letter for the gauchos, Vernet recommends that they; *"... keep the best friendship with the English, and respect their officers who you can be sure will not do any injustice to you."* [2215]

"Showing interest in resuming his business in the islands —for which the crown's approval was required— he communicated to the officer a series of suggestions to replace the Creole workforce in the future by incorporating and training young British people. He (Vernet) proposed a division of tasks according to a progressive level of experience and proper care of the horses, the only ways in his opinion to ensure the validity of a technique of proven effectiveness." [2216]

July 3rd, at the Falkland Islands, en-route from Launceston, Van Diemens Land to London, *Mars* founders.

July 9th, at Rio de Janeiro, Rear Admiral Sir Michael Seymour dies of a heart attack on board his flag ship. Capt. Robert Tait takes over command of Britain's South American Station until a replacement can arrive.

"The Snake sails for Bahia on the 20th. Sparrowhawk for the Falkland Islands, to relieve the Rapid, and the Satellite goes round the Horn.." [2217]

July 16th, at the Falklands, Commodore Francis Mason, aboard HMS *Blonde*, sails into Berkeley Sound.

"The coast of either island is described as wonderfully broken and indented, by which many eligible, and secure harbours are formed, settlements at each of which would rapidly rise in the event of the country becoming colonized. And if such ever does take place by the English nation, it is to be hoped that industrious, and well disposed persons only will be admitted, the introduction of any Buenos Ayrean Gauchos, or other vagabonds, would only poison the whole. But, if colonization is not contemplated, might not the right of sovereignty be maintained, and the islands offered in grants to those who choose to settle thereat, for the dog in the manger system renders the islands useless and unavailable to everyone. As things stand at present it is doubtful to whom the country belongs. England long since has claimed it and has armed herself to assert that claim, the ***Spanish government disputed the right and does still hold itself the lawful proprietor****; and the Buenos Ayrean government, highly indignant at the British assumption, claim the whole as naturally appertaining to their Republic. It is true the English flag is now flying here, and an officer established as Resident remains there, with four seamen attached to him; but this party is, at times (by being necessarily detached,) so completely in the power of the Buenos Ayrean and other strangers settled here, so inefficient to the protection of the cattle and other property, and so inadequate to curb the insolence and rapacity of the whalers, and other rabble that occasionally congregate here, that is it in reality unsafe for the parties themselves, and by no means creditable to the country, that its flag should be displayed over a territory where there is no power to maintain its respectability."* [2218]

2214 *Vernet to Smith July 2, 1834* in *ADM 1/43*

2215 All quotes from *L. Vernet a Santiago Lopez, Manuel Coronel y Pascual Diaz July 2, 1834 Buenos Aires.* Also Caillet-Bois 1982 (6th ed.) p.381

2216 Jiminez, Alioto & Villar 2018 p.121

2217 *Naval & Military Gazette & Weekly Chronicle of the United Service Saturday* September 13, 1834

2218 *Voyage of HMS Blonde* Capt. F. Mason 1845 in *The Nautical Magazine* September 1845. My emphasis

"., Captain Mason wrote a private letter from Rio describing the Falklands in negative terms and arguing against any idea of sending settlers to the islands. Someone in Brazil saw Mason's letter and wrote about it to Captain Charles Hope, formerly of HMS Tyne, who on 17 November 1834 wrote from his private address to the Permanent Undersecretary at the Colonial Office, Robert William Hay, attacking Mason's views." [2219]

July 17th, HMS *Blonde* sails for Valparaiso. [2220]

July 18th, in London, Rear-Admiral Seymour's package of information regarding the murders at Port Louis on August 26th, 1833, arrives at the Admiralty. [2221]

July 20th, from the Falklands, HMS *Rapid* sails. [2222]

July 21st, at Rio de Janeiro, HMS *Dublin* anchors in the port. [2223]

July 23rd, the prisoners aboard *Dublin* are transferred to HMS *Spartiate*.

From Buenos Aires, Luis Vernet appeals to Woodbine Parish in England, reminding the ex-*charge d'affairs* that he had relied; *"... much on the foundation of the opinion you (Parish) gave me several times ... That my individual rights and grants would be confirmed by H.B.M. in the case of taking possession of those islands. ..."*[2224] Vernet also outlines his current position;

> "*I have resigned my public function for some time now, I am not bound by any promise, duty or debt of gratitude (quite the contrary, I have serious grievances - as you will easily understand if you remember the little affection they have here for foreigners)... I would long since have returned to the Islands… had I possessed the means of doing it… without exposing myself to the displeasure of this Government, who then would certainly desist from her offers of supporting my private claims against the United States…"*

"Now exempt from his official position, he was preparing to fight in defence of his private interests: "I do not see that I can do anything wrong if with my grain of sand I contribute to the prosperity of any establishment in the Falkland Islands... On the contrary, it is a duty that I have to myself, to my family and to my creditors." Vernet knew full well that Parish valued the merits of the destroyed company in its real value and that he would be a good defender of his person if given an opportunity. That is why he did not hesitate to communicate to him the most sensible plans and advice to face a new colonization that he had not tried until then so as not to incur the "displeasure" of the Government." [2225]

"(Vernet) made several approaches to the British Government. In July 1834, writing via Woodbine Parish, he offered his services to the British Government, and asked for British support to re-establish his cattle business and for Britain to either pay for the damage to Port Louis, so his claim on the United States could be forgotten, or support his claim on the United States. Britain was unwilling to do either." [2226]

2219 Pascoe 2022 vol.2 p.409 fn.5 citing *CO 78/1 fols 379-380.*

2220 During the 24 hours he spent at the Falklands, at no time did Capt. Mason step ashore.

2221 *Summary of the Information transmitted to the Admiralty by Rear Admiral Sir Michael Seymour, respecting the Massacre in the Falkland Islands which occurred on the 26th August 1833* in CO 78/1 fols.96-103. Despatched from Rio de Janeiro on May 6, 1834.

2222 Other than the date of *Rapid*'s arrival (May 21) and her departure, almost nothing appears known about the visit.

2223 *ADM 51/3140.* Also reported in the *Hampshire Telegraph Monday* September 15, 1834

2224 *Vernet to Parish July 23, 1834* in *FO 6/501 fols.147-148.* Undocumented conversations? This letter was received by Parish, but there is no evidence that he responded to Vernet. See May, 1835.

2225 Caillet-Bois 1982 (6th ed.) p.382

2226 Peter Pepper in Tatham (ed.) 2008 p.545

"Initially Britain did nothing to prevent Vernet from returning to the Falklands. … He could naturally expect no support from Buenos Aires against the United States for the losses caused by the Lexington if he cooperated with Britain in a territory claimed by Buenos Aires." [2227]

At Valparaiso, HMS *Beagle* anchors in the port. [2228]

July 29th, US Secretary of State, John Forsyth, appoints a new Consul for Buenos Aires – Eben R. Dorr. [2229]

August 5th, in London, the new Colonial Secretary, Thomas Spring-Rice, considers what is to be done with Rivero and the other prisoners being held in Rio de Janeiro. Also what to do regarding the Islands' administration. [2230]

> *"… as the Falkland Islands are an undoubted possession of Great Britain there can be no question as to the right which His Majesty possesses of ordering the Murderers to be sent home and to be submitted to the ordinary course of the law in this country. This is a measure, however, which should be avoided, if possible, and… the Admiral may be enabled to devise some other means for disposing of the Prisoners in the event of their apprehension.*
>
> *Mr. Spring Rice is desirous of taking this opportunity of conveying to the Lords Commissioners his opinion that, as the Rights of the British Crown to the possession & Sovereignty of the Falkland Islands have been fully asserted, & are incontestible, it is not necessary for the preservation of these rights that a Boat's Crew should be left ashore there at the risk of their lives, he therefore recommends that this small force should be altogether withdrawn."* [2231]

"(Spring Rice) was alarmed for the safety of the boat's crew, which were clearly a dangerous place. A covering letter was duly prepared by the Permanent Undersecretary at the Colonial Office, Robert William Hay, to go with the documents when they returned to the Admiralty, recommending that instead of keeping a boat's crew at the islands it would be better to send a mall force of Marines with a few convicts as labourers, and that the marines could be obtained from Ascension Island. … but on 5 August he had second thoughts… Spring Rice resolved on a cheaper and safer policy: to withdraw the boat's crew entirely…" [2232]

The transfer to England of the '*witnesses*' to the Port Louis murders, including Henry Channon, is authorised, but not that of the accused. [2233]

August 7th, at Valparaiso, with the arrival of HMS *Blonde*, the two prisoners and one witness aboard HMS *Beagle*, are transferred to Commodore Mason's ship.

2227 Pascoe 2020 p.280

2228 With its two prisoners and witness still on board. See Pascoe 2022 vol.2 p.410

2229 Peterson 1964

2230 *ADM 1/43.* News of Seymour's death had not reached London when this letter was written.

2231 *Hay to Elliot August 5, 1834* in *CO 78/1 fols.92-94.* This draft letter was heavily amended. Considered in detail in Pascoe 2022 vol.2 pp.412-415. *cf.* December, 1834

2232 Pascoe 2022 vol.2 pp.412-413

2233 Mentioned in *CO 78/2*. Channon's status appears to have been revised at Rio de Janeiro. Also, Faustino Martinez disappears from the documentation after this date. As he had played no part in the murders, and had nothing to offer as a witness, it must be presumed that he was simply released.

August 9th, in London, George Whitington has a map of East Falkland Island printed, entitled *Plan of East Falkland Island 1831*, showing the Island divided into eleven sections (right). To accompany the prospectus for a, yet still to be formed, *Falkland Islands Association*. [2234]

> *"This undertaking is founded upon incontrovertible facts, and recommended to the Public by its utility and perfect security for the beneficial employment of Capital; it also supplies an object of great national importance, namely, a safe and commodious Port of Rendezvous, &c. in the Southern Hemisphere, for Ships of War, and Commerce: the position and natural resources of the Islands, command general resort, thereby very largely conducing to the prosperity of a Colony. It is intended immediately to form an Establishment in the Colony, for supplying both fresh and cured provisions, water, fuel, and other requisites, to all Vessels navigating in the South Seas..."*

"... Whitington's association failed to get off the ground and faded into oblivion; it never obtained a Royal Charter, it was not the progenitor of the Falkland Islands Company, nor is it linked in any way with today's Falkland Islands Association." [2235]

In the Islands, HMS *Sparrowhawk* (Pearson) arrives at Port Louis; anchoring near the settlement. [2236]

"During last winter she was stationed at the Falkland Islands, to protect and explore our lately acquired possession in that region." [2237]

August 20th, from Rio de Janeiro, Capt. Robert Tait prepares a package of information for the Admiralty, including Vernet's letter and enclosures to Rear-Admiral Seymour. Tait notes that he is not forwarding Vernet's letter to Lieut. Smith, unless instructed by the Admiralty to do so. [2238]

> *"It appears that Lieutenant Smith has reserved the funds arising from the sale of Bullocks until their Lordships pleasure shall be sufficient for their application, and instructions sent to him how far the claims of Mr. Vernet are to be satisfied and recognised."*

2234 *CO 78/2 fols.117-120.* Based on Luis Vernet's map of 1831.
2235 Pascoe 2022 vol.2 p.412
2236 *Sparrowhawk* was subsequently involved in the search for survivors of *Mars* which had foundered at East Falkland Island in July. Some of *Mars*'s crew had managed to get ashore but then wandered for weeks before being found. Considered in depth in Pascoe 2022 vol.2 pp.418-419. The *Tasmanian* newspaper later reported; *"The mail was saved."* Eventually, most of the cargo was retrieved, and the wreck was sold off on September 25, 1834.
2237 *South America and the Pacific; comprising a journey across the pampas and the Andes, from Buenos Ayres to Valparaiso, Lima, and Panama; with remarks upon the isthmus* Peter Campbell Scarlett 1838 p.117
2238 *CO 78/2*

September 21st, in the Falklands, the US schooner *Penguin* arrives in Salvador Bay. [2239]

September 29th, at Valparaiso, Rivero, Luna and Channon are transferred from HMS *Blonde* to HMS *Samarang* for transportation to Rio de Janeiro.

October 4th, at Port Louis, an American schooner, *Eveline*, anchors.

October 10th, from Rio de Janeiro, Capt. Tait writes to inform the Admiralty that ten of the Port Louis suspects remain on board HMS *Spartiate*. Also that Thomas Helsby - *"a material evidence"* - when asked to comply with his promise to go to England for a trial; *"... refused to do so, .."* Tait adds that three others are expected by mid-November, including; *"... the King's evidence."* [2240]

October 11th, in Buenos Aires, the new British Minister Plenipotentiary to the Argentine Confederation, Hamilton Charles James Hamilton, finally arrives.

"The irritable feeling produced against Great Britain in Buenos Ayres, by her recent occupation of the Falkland Islands, had so little subsided on the arrival of the North Star in the Plata, that the members of government actually were divided in opinion, as to the propriety of receiving Mr. Hamilton in the character of the king's representative. Luckily for the reputation of the Republic, this indiscreet folly evaporated, but the indignation which caused it has not been removed. The mode in which we reclaimed these possessions to which we have an undoubted right, though we discontinued the establishment we had made there after they were first ceded to us, is singular enough. Spain, after dispossessing us of Port Egmont by force, was obliged, by our menaces of war, to restore that settlement to us in 1770. But it appears that we did not then insist upon her evacuating the eastern and principal island. We replaced the British garrison at Port Egmont, where it continued some years, but was afterwards withdrawn, the object not seeming to justify the expense. Signals were left, however, to record our right of sovereignty which we claimed to the whole by the title of original discovery and first occupation. ... Until the first dispute with England about the Falklands, in the year 1770, the Spaniards never thought of the country south of the Rio Negro. From that time they attempted to make settlements at various points beyond that river, all of which they afterwards abandoned. The people of the Plata can only have inherited from Spain, at most, the limits which the parent country really possessed previous to the revolution."[2241]

October 18th, in Rio de Janeiro, one of the suspects, Charrúa Indian Felipe Salazar, dies whilst confined on HMS *Spartiate*. [2242]

From Port Louis, HMS *Sparrowhawk* sails for Rio de Janeiro.

October 21st, a deserter from the American schooner *Eveline*, arrives at Port Louis from Fannings Harbour (San Carlos Water) after being induced to leave the ship by the crew of *Chaloupe*. [2243]

October 24th, reported in the *London Courier & Evening Gazette*; *"It was stated, on authority, that a British frigate is in future to be constantly stationed at the Falkland Islands."*

2239 *Lieutenant Smith's Journal* in *ADM 1/43*

2240 *Tait to Eliot October 10, 1834* in *ADM 1/42*

2241 Scarlett 1838 pp.124-130

2242 When detained, Salazar had had a broken thigh bone following a fall from a horse. His death was reported in a letter to the Admiralty from Capt. Robert Tait (November 26, 1834) in *ADM 143*. *cf*. August, 1833.

2243 *Lieutenant Smith's Journal* in *ADM 1/43.* For a history of the sealer *Chaloupe* (formerly *Eagle*), see December, 1831. There are occasional reports of this vessel around the Falklands in 1834, but it seems to have avoided Port Louis. Its notorious captain, William Horton Smyley, was no great lover of authority and, following the visit of the USS *Lexington* in December 1831/January 1832 he seems to have stayed well away from the only settlement in the Islands.

November 3rd, at Port Louis, Lieut. Henry Smith contracts with the American schooner *Eveline* to hunt seals in Berkeley Sound, for the benefit of the settlement. [2244]

November 5th, in England, the document package prepared by Capt. Tait arrives on HMS *Mutine*.

November 10th, at Port Louis, HMS *Snake* (Robertson) anchors after a voyage from Rio de Janeiro. [2245]

November 14th, in London, Barrow writes to George Shee, with; *"... the opinion of the Lords Commissioners of the Admiralty relative to a Claim on account of certain property in the Falkland Islands..."* [2246]

November 18th, in London, following yet another letter from George Whitington, the Colonial Office respond; *"I believe there is little or no doubt in this department as to the eligibility of those islands for the reception of residents, but the Government has very naturally objected, in these days of economy, to entering into any colonization scheme in that area which would add to the number of British establishments that this country is called upon to maintain."* [2247]

November 20th, at Rio de Janeiro, on the ship's arrival the prisoners Rivero and Channon, together with the 'King's evidence' Luna, are transferred from HMS *Samarang* to HMS *Spartiate*. [2248]

December 2nd, in Buenos Aires, learning of Rear Admiral Seymour's death and concerned that his July 2nd letter to the Rear Admiral may have been lost, Luis Vernet repeats its contents in a further letter addressed to Seymour's successor.

> *"... any private papers belonging to the unfortunate victims I would prefer to be kept back and to be held at the disposal of their nearest relatives, or to be sent to such. My late agent Capt. Matthew Brisbane left an aged mother and some sisters and brothers, one of which is William Brisbane whose address is No 61 High Street, Perth, North Britain. Mr William Dickson who had charge of my store on the Island, left a mother living in Dublin, Mrs Ellen Dickson and a stepfather Mr Thomas Dickson, Barrister at law in Dublin, No 10 Cuff Street, also a sister and a number of step brothers. Mr Ventura Paso, clerk of my late agency, and brother in law of mine, native of this place, both parents are living in this city, the father Don Yldefonso Paso.*
>
> *Any papers or things belonging to his late son, I would thank you to send to me, because the fatal event has not been made known to the family and will not be, as long as can be helped. Of the other two unfortunate men Jean Simon and Antony Wehinger, the former a Frenchman, the latter a German I know of no relatives, neither do I know how to trace them."* [2249]

December 4th, at Rio de Janeiro, Rear-Admiral Sir Graham Eden Hamond arrives to take over as Commander in Chief of Britain's South American Station; with HMS *Spartiate* as his flagship. [2250]

December 8th, Hamond makes a note in his diary. [2251]

2244 Pascoe 2022 vol.2 p.424
2245 *Snake* remained for two months.
2246 *CO 78/2. cf.* February, 1835
2247 Quoted in Calclini 2014. No citation.
2248 All eleven detainees finally in the same place.
2249 *ADM 1/43* also *Archivo General de la Nacion, Sala VII, Legajo 132, Documento 198. cf.* February 9th, 1835
2250 One 'm' not two
2251 Filed at the National Maritime Museum, Greenwich as *HAM/125*

"I have been wading through a voluminous report and correspondence relative to the murders of several persons in August 1833... We have the murderers on board this ship now,– but no evidence I fear, to convict them."

December 15th, Hamond informs the Admiralty that he intends to sail for the Falklands on the 18th. [2252]

"With reference to your letter of the 6 August last, addressed to Rear Admiral Sir Michael Seymour, enclosing a copy of a letter from Mr. Secretary Spring Rice, on the subject of the persons implicated with Massacre at the Falkland Islands, and recommending that the small force there should be withdrawn; and signifying that their Lordships leave it to the discretion of the Commander in Chief to withdraw Lieutenant Smith's party from the Island when circumstances will admit stating also that the Commander in Chief is to judge whether there is sufficient Evidence to expect a Conviction before the persons concerned are sent to England; I ... feeling that I cannot come to a satisfactory decision on these points without visiting the Islands myself, I have determined on proceeding thither…" [2253]

December 18th, from Rio de Janeiro, Rear-Admiral Hamond sails for the Falkland Islands. [2254]

December 22nd, from Buenos Aires, Luis Vernet writes again to the Commander at Rio de Janeiro.

"I have long felt the necessity of re-establishing... business at the Islands, but the ruin of my affairs has left me without the necessary resources for such an undertaking. In vain have I waited here for the satisfaction of my claims, which when paid would furnish me more than sufficient means; but there is no more time to be lost, wherefore I shall have to seek assistance elsewhere. Under these circumstances, and persuaded that you will feel an interest in the prosperity of the Falkland Islands Establishment… I take the liberty of making you the following proposals. – If the Governor at Port Louis requires for the service of HM some of the houses which I built there he of course is and has been extremely welcome to the use of them, and I am also willing to sell any number of them that may be required, and at a fair valuation… To enable me without loss of time to transport myself to the Island with a Cargo or two of new horses… I would wish to receive an advance of about ***two thousand pounds*** *Sterling on account of houses to be sold and cattle to be furnished… I shall be very grateful to hear your determination by first opportunity…"* [2255]

Luis Vernet also writes to Minister Hamilton at the British Legation in Buenos Aires, to say that some English friends are willing to fund the despatch of two shipments of horses to the islands should the necessary approval be forthcoming. [2256]

December 27th, at the Falklands, an American Schooner, *China*, arrives in Berkeley Sound to recover; *"... several casks of lime that he said he had left with Mr. Vernet's agent."* [2257]

December 29th, from Paris, Ambassador Moreno writes to the Duke of Wellington. [2258]

2252 *Hamond to Eliot December 15, 1834* in *ADM 1/43.* Hamond felt he needed to know more about the situation in the Islands before making a decision regarding the boat's crew.

2253 *Hamond to Eliot December 15, 1834* in *ADM 1/43.*

2254 HMS *Spartiate* met with unfavourable winds and was forced to turn back on January 1, 1835.

2255 *ADM 1/43.* My emphasis. See https://falklandstimeline.files.wordpress.com/2018/03/vernet-to-cic-south-atlantic-station-december-22-1834.pdf

2256 Caillet-Bois 1982 p.383. This does not entirely correspond with Vernet's letter of the same day to Hamond. *cf*. January 1835

2257 *Lieutenant Smith's Journal ADM 1/43.* Sailed January 5, 1835.

2258 Wellington acted as temporary Prime Minister for three weeks November/December, 1834, stepping down on the 10th.

*"... If the expedition of the "Clio" had limited itself to West Island (port Egmont) it might be said that the Govt. of HBM had reinstated themselves in the status quo which the ancient Convention left. But the expedition of the Clio went to East Island (port Soledad), which never was English, requiring the island's evacuation of the garrison and citizens of another state, & possessed itself of properties & objects of value not belonging to subjects of H.M. This procedure overturns directly the principles recognized in 1771; it transfers to the British flag a territory never before trod by an English foot, with buildings, stock, & (*unreadable*) which were the products of the industry of another nation – a nation of the American continent, which under the favour of Providence, that rules the destinies of mankind, has succeeded to the territorial rights of Spain in that jurisdiction & to which are infallibly due the consideration of justice claimed by every independent people.*

The United Provinces in the exposition and protest of their Minister in London of June 17, 1833, presented to the Govt. of H.M., irrefragable documents of their formal occupation & possession of the Falkland islands, & of the fact that the Island of Soledad having been bought from France for the sum of 618,108 francs, 13 sous, 11 cents, the Treasury of Buenos Aires had paid to the French Commissioner Mr. de Bougainville the sum of 65, 625 Dollars in ***part payment for the said territory****.*[2259]

Accordingly, the Government of the United Provinces, having reconsidered the subject in all its bearings, finds itself under the necessity of declaring that it cannot acquiesce in the conclusion which the reply of H.E. Viscount Palmerston of the 8th January, 1834 draws from it.

It repeats and confirms its Protest of the 17 June 1833 against the sovereignty assumed over the Falkland Islands by the Crown of Great Britain, & begs that the Republic may have restored to it East Island & its establishment in Port Soledad in the same state that they were previous to the invasion of H. M. Schooner Clio on the 5th of January 1833.

The present Reclamation is founded on such evident rights that the Government of the United Provinces doubts not but that it will be admitted immediately by the Governt. of His Britannic Majesty, in conformity with the principles of justice which characterize it. ..." [2260]

"The demonstration documented was so conclusive that the Argentine Minister in London... simply asked for restitution of the Island of this (Solitude and Port Louis)..." [2261]

"Without dwelling on the "secret convention" which Moreno could not prove, he modified his views and limited the discussion to Puerto Soledad." [2262]

"On 8 January 1834 Foreign Secretary Lord Palmerston had replied to the letter of 17 June 1833 from Manuel Moreno, Argentine minister plenipotentiary (i.e. Ambassador) in London. Moreno then waited almost a year before replying on 29 December 1834, from Sablonnière's Hotel. By that time Palmerston had been succeeded as Foreign Secretary by the Duke of Wellington, to who Masserano asserted that the rights of the United Provinces to the Malvinas were based on those of Spain... Moreno's interpretation of history is wide of the

2259 In 1766/67 Frenchman Louise Bougainville accepted compensation for buildings erected and supplies delivered to his fledgling colony on East Falkland Island. Spain claimed previous ownership and so no "territory" had been purchased.

2260 *FO6/501.* Wellington forwarded the Minister's letter to the Foreign Office on February 2, 1835 where it would remain until 1837. Moreno wrote to friends to say that he felt "*optimistic*." Caillet-Bois 1982 p.358 referred to a "*conference*" between Wellington and Moreno, but I can find nothing to suggest that the two men met. *cf.* February, 1835

2261 Bartolomé Mitre quoted in Rozas 1948. *cf.* 1884

2262 Caillet-Bois 1982 (6th ed.) p.357

mark: Spain did not occupy the islands for a period of over half a century; Spain did not purchase them from France, and Spain's possession was not "notorious & tranquil" since all other countries denied its validity. … Wellington did not reply; on 2 February 1835 Moreno's letter was sent from the Foreign Office to the Colonial Office, where it was considered (very slowly) in June 1836 and again in July 1837, after which the matter rested – for another four years." [2263]

1835 – January 2nd, at East Falkland Island, sealer *Susannah Anne* returns to Port Louis.

> *"… returned to Port Louis in the Month of January 1835, after refitting at a great expense at St. Catherines and Rio de Janiero in the Brazils, and after being informed by the British Consul at the latter place that, in his opinion, Lieut. Smith had no authority to prevent your Memorialists from sealing in any part of Falkland Islands. That on intimating to Lieut. Smith the Governor their intention to seal the said North and South rocks at the entrance to the Bay, they were again forbidden by him to attempt it, and upon your memorialist Samuel Thompson insisting on his right to take seals wherever he could find them, the Governor threatened to make him Prisoner, and said that he would shoot any him or any man that would dare to land on those rocks…"* [2264]

"During a vessel refit in Rio de Janeiro the British consul reportedly told them that Smith did not have the authority to prohibit sealing. On returning to Port Louis in January 1835 Samuel Thompson, the mate of Susannah Anne, went ashore to insist that the crew be allowed to hunt. The unrepentant Smith threatened to either goal or shoot Thompson if he persisted in his demands and warned him that the crew of a local vessel sealing on the Volunteer Rocks had also been told to shoot unauthorized visitors." [2265]

"Ferguson returned to Port Louis in January 1835 and Smith warned him again, but this time Ferguson sailed to London and started proceedings against Smith." [2266]

January 3rd, at Port Louis, *Ontario*, an American corvette, arrives seeking a supply of beef. [2267]

From Buenos Aires, Luis Vernet agrees that Lieut. Smith's son may act as his agent on East Falkland Island. [2268]

January 5th, en-route back to Brazil, Rear-Admiral Hamond decides to unshackle the five British (ex-*Unicorn*) suspects being held prisoner.

> *"…I directed Captain Tait to release all the Englishmen who have been suspected of being accessories to the Murders at the Falklands, being quite sure they are free from any participation in that horrible affair:- But I obliged the Men that I should be obliged to send them to England as Evidence against the Murderers…"* [2269]

2263 Pascoe 2022 vol.2 pp.425-427. Moreno's use of the name 'United Provinces' is interesting as that grouping of provinces had collapsed in 1827, although it was with the United Provinces that Britain had signed a treaty in 1825. What followed was the 'Confederation', which did not include all the same provinces. Argentina remained in turmoil and flux. It would be another two decades before the situation settled.

2264 *Ferguson to Lord Glenelg (undated)1835* in *CO 78/2 fols. 104-105*. In full in Pascoe 2022 vol.2. The complainants subsequently demanded that Smith be returned to the courts' jurisdiction in England; arguing that they were entitled to £1000 in compensation. As Smith remained where he was for some time, it would seem that Ferguson and his partner were unsuccessful.

2265 Dickinson 2007 p.4. See December, 1835

2266 Pascoe 2022 vol.2 p.392 fn.1. In 1831, when Luis Vernet attempted to impose restrictions on sealing operations, it had led to the visit by the USS *Lexington* in December, 1831 and a diplomatic rift between Argentina and the USA. Lieut. Smith's restriction was more localised, and he appears to have been successful at maintaining it for a number of years; despite the disapproval of his Admiral who, it seems, he was quite prepared to argue with.

2267 Sailed again on January 15, 1835

2268 See July 31, 1835, below.

2269 *Hamond's diary* in HAM/125 p.52

January 6th, in Buenos Aires, Minister Hamilton responds to Vernet's request for approval to send horses to the archipelago by saying, simply, that he does not know whether it will be possible. [2270]

"... Mr. Hamilton, H. B. M. Minister, who succeeded Sir Woodbine Parish, wrote to me in January 1835 (two years after the British Government had taken possession) mentioning his approval of my proceedings." [2271]

January 12th, HMS *Spartiate* arrives back in Rio de Janeiro (right). [2272]

January 16th, at Port Louis, Smith notes in his journal the arrival of *Chaloupe* (William Smyley). [2273]

Lieut. Smith writes to his Commander at Rio de Janeiro, reporting that the gauchos on the island wished to return to their own countries; *"... having been induced to leave by (Vernet) holding out high wages, which were never formerly fulfilled:.."* Smith suggests the gauchos fear that if he goes they will be at the mercy of the sealers; *"... who are only one step removed from pirates."* He also requests that the seal skins he and the boat's crew have accumulated, be transported out of the Islands. [2274]

January 17th, HMS *Snake* departs Port Louis; as does the sealer *Eveline*.

From Buenos Aires, Eben Ritchie Door, the newly appointed US Consul, reports that the Confederation's appointed envoy to Washington, General Don Carlos Alvear, is delayed. [2275]

"... the want of funds for this purpose, although doubtless one of the causes of his delay, is not the most influential. This, perhaps, may be found in the fact that the Government is awaiting, with some hope of a favorable result, the progress of the negotiation, which its Minister in London has instituted upon the subject of the occupation of the Malvinas. The last letters of this Minister, Dr Moreno, to his friends in this City, ..., state, that he has hopes to make the desired impression upon the Government of Great Britain, even if the present Ministry should not listen favorably to his remonstrances..." [2276]

January 29th, in England, George Whitington writes to the Colonial Office to argue a case for the colonization of the Falklands based upon the success (?) of Vernet's original settlement. [2277]

February 2nd, a copy of Moreno's protest is sent to the Colonial Office for their consideration; where it sits.

"Manuel Moreno's Protest of December 1834 was never answered. The Colonial Office took the view (July 1837) that it was inexpedient to discuss further with the Argentine Government British rights to the Falkland Islands." [2278]

2270 Caillet-Bois 1982 (6th ed.) p.383 citing *Hamilton Hamilton a L. Vernet, Buenos Aires, 6 de enero de 1835*
2271 *Vernet to Labouchere December 1856* in *CO 78/43.* Vernet was always inclined to find a positive in his favour.
2272 HMS *Spartiate* (1835) painted by Emeric Essex Vidal, Secretary to Rear-Admiral Hamond. Within a few months, Rear-Admiral Hamond had transferred his flag to HMS *Dublin*.
2273 *ADM 1/43.* Hero and rogue. Various spellings, including Smiley. *Chaloupe* had previously been called *Eagle. cf.* 1831
2274 Letter in full in Pascoe 2022 vol.2 p.429
2275 *Eben Ritchie Dorr to John Forsyth, Buenos Aires, January 17, 1835*
2276 Manning 1932 p.187
2277 As Vernet was permanently in debt to his creditors, 'success' may not be the correct description.
2278 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing *Stephen to Strangeways, 28, July, 1837* in *FO 6/501.*

February 8th, at Rio de Janeiro, HMS *Snake* anchors after a voyage of 22 days from the archipelago. Rear-Admiral Hamond requests a report from Capt. Robertson, with regard to what he found at Port Louis. [2279]

February 9th, Hamond receives Luis Vernet's letter of December 22nd.

February 10th, Rear-Admiral Graham Hamond pens a letter to the Admiralty in London. [2280]

> *"I have to acquaint you … that H. M. Sloop Snake arrived at Rio de Janeiro on the 8th Inst from the Falkland Islands which she left on the 17th Ultimo. At that time nothing new had occurred at the Settlement which is in a miserable state. The only residents are Lieut Smith and 4 men of the Spartiate 3 Gauchos with their 3 women, 1 Englishman and one German.*
>
> *The Sealing Vessels English, French and American which frequent the Islands have been so long used to act without any regard to law or property … that it is impossible to preserve order amongst them. It appears that some of these Vessels make a profitable Trade in catching the Wild Cattle and supplying the Whalers on their stations so that the settlement of Port Louis is scarcely visited at all. I enclose Lieut Smith's Journal... and a letter also from him, requesting to have seal Skins his property and Hides removed in any Ship of War that may be ordered to bring him away.*
>
> *This request I shall refuse, informing him that I cannot countenance <u>any trading</u> on the part of the Officer and Men placed there on full pay without special permission from their lordships.* [2281]
>
> *No attempt has been made by the former settler Mr Louis Vernet to reestablish himself at the Islands, … I have a letter from him, making proposals to His Majesty's Government which I transmit for their Lordship's consideration, …*
>
> *I shall inform Mr. Vernet that I have so forwarded his letter, at the same time remarking to him that he is in the position of a man having built upon Ground to which he has no title, and that the difficulties under which the settlement has been labouring in consequence of the massacre, are attributable entirely to <u>his</u> or his agents misconduct and breach of faith towards the Gauchos, in paying them with Paper instead of Silver Money.…*
>
> *With regard to his proposal for an advance of £2000 I am of opinion that all the property on the Island (except the Wild Cattle) even if admitted to be his, would be overvalued at half this sum. There has been no attempt at Agriculture, nor is there even a garden deserving the name, as I am informed by the Commander of the Snake, although Lieut Smith's Journal would lead to a different conclusion. It appears to me that if it be intended to retain the Islands as a possession, it will be necessary to hold <u>several</u> points, and each with a respectable force. If they are to be abandoned, I shall be glad to know what I am to do with regard to Mr Vernet and his claims."* [2282]

February 12th, in London, the Foreign Office write to the Colonial Office. [22833]

> *"I am directed by His Grace the Duke of Wellington to acquaint You for the information of the Lords Commissioners of the Admiralty that he concurs with their Lordships in thinking that without admitting any rights which Mr. Vernet may claim under an alleged grant from the Buenos Ayrean Government, still any Private Property in the Islands, clearly belonging to Mr. Vernet, should be returned to him."*

2279 *Remarks upon the present state of the Falklands by Commander Robertson of His Majesty's Sloop Snake* in ADM 1/43
2280 *Hamond to Eliot (Admiralty) February 10, 1835* in *AD 1/43.* Letter in full in Pascoe 2022 vol.2 pp.430-431
2281 See May 4, 1835 below.
2282 Original emphasis.
2283 *Mahon to Barrow February 12, 1835* in *CO 78/2*

In the Falklands, on the same day, whaler *Pierre Louis* (Simonel) is wrecked. [2284]

February 14th, the Admiralty writes to Robert William Hay at the Colonial Office. [2285]

> *"I am commanded by my Lords Commissioners of the Admiralty to transmit to You herewith for the information of the Earl of Aberdeen, … a Copy of a letter from the Under Secretary of State for Foreign Affairs relative to the Claim of Mr Louis Vernet to certain property at those Islands: their Lordships have directed the Admiral commanding the Squadron on the South American Station to cause the Private Account of Mr Vernet to be settled."*

"... the British government decided to pay Vernet's claims to his personal property in the islands. Sadly, though, that intention was not actually fulfilled for over 23 years until 1858; the reason was not so much bureaucratic inertia in Britain as the fact that Vernet failed to submit a proper account." [2286]

February 17th, from Buenos Aires, Luis Vernet writes again to the Rear-Admiral at Rio de Janeiro.

> *"I have had the pleasure of obtaining very satisfactory intelligence about the State of things at the Settlement on the Falkland Islands from the Captain and officers of H.M.S. Sparrowhawk; namely: that there are still about sixty of my old horses in good condition & that Lieut. Smith has taken very great pains to preserve things from further ruin. … Lt. Smith has managed much better than could have been expected of any person so totally unacquainted with these matters... and being now somewhat experienced I would humbly recommend his remaining..."*

"... he continued to bombard British officials with long, elaborate letters full of advice, well-meant but irrelevant – Henry Smith was managing well enough despite all his troubles." [2287]

February 18th, in London, an internal Foreign Office *memo* notes that the Admiralty are making arrangements to have the property belonging to Luis Vernet, still on the Falklands, returned to him.

> *"The Foreign Office suggest that the Admiralty should take the opinions of the Col: Dept as to any questions relating to the internal management of the Falkland Islands, but as (it is conceived) there is* ***at present no intention of maintaining a Settlement there*** *& as directions have already been given for removing the small Naval Force – which was stationed on one of the Islands – it will perhaps be thought sufficient to express Ld Aberdeen's concurrence in the few steps which have been taken for returning to Mr Vernet any private property belonging to him… - the Admiral commanding at the Station, taking especial care, however, not to admit any Rights which Mr Vernet may allege as derived from the Buenos Aires Government."* [2288]

March 7th, in Argentina, Juan Manual Rosas returns as Governor for Buenos Aires Province.

"He returned to power with the memory of the rape committed against the rights of the Republic and the desire for satisfaction at the first opportunity." [2289]

2284 Letters of thanks were received at the Admiralty praising the actions of the naval officers who assisted the crew in getting to safety. Forwarded on to Rear Admiral Hamond at Rio de Janeiro for his attention. I cannot any response from Hamond, nor which naval officers had been so helpful. There is a rumour that the crew of the French ship were actually saved by one William Horton Smyley.

2285 *CO 78/2*

2286 Pascoe 2022 vol.2 p.433

2287 *Ibid.*

2288 *CO 78/2.* No signature. My emphasis.

2289 Caillet-Bois 1982 p.358. The only relevant action by Rosas between 1837 and 1849, was that the claim of a right to the sovereignty of the Falklands was repeated annually at the opening of Congress. *cf.* 1838

"Caillet-Bois proposes that when Rosas took over the government of the Province of Buenos Aires, he intended to take revenge for what he considered a violation of the rights of the Republic in Malvinas. No grounds for such interpretation exist. On the contrary, Rosas saw in the Malvinas an item to be bartered ..." [2290]

In Connecticut, USA, the case over the ownership of the seal skins removed from Vernet's storehouse in January, 1832 comes before the Admiralty Court. Circuit Justice Thompson concludes that the actions of Luis Vernet in seizing the skins was not '*piratical*', as he had acted under the authority of the Buenos Aires Government.

> *"... our government,.. treated this right as a subject for negotiation between the two governments, and does not undertake to affirm such seizure to be a piratical act. And under this view of the case, I cannot consider the retaking by Captain Duncan a lawful act; and unless it was so, the claim of the libellant to compensation as for salvage services, in a court of admiralty, cannot be sustained."* [2291]

"Mr Burrows claimed them, and having obtained from me proofs that they had belonged to the Superior, he gained the suit. After this, Davison claimed half of the skins as salvage, for having rescued them as he said out of the hands of a pirate as he termed me. Mr. Burrows then produced proofs before the court that my conduct at those Islands had been in every respect just and legal, and that the vessels and their cargoes had been very justly seized for breaking the laws of Buenos Ayres." [2292]

March 16th, in Buenos Aires, Vernet submits a petition to the Government requesting that he be paid 31,666 pesos from the monies owed by Buenos Aires to Jorge Pacheco. [2293]

"... being half of the 63,333 pesos in public funds Pacheco had held." [2294]

March 23rd, from Buenos Aires, Luis Vernet writes once again to Woodbine Parish in England, complaining of a lack of funds and poor relationship with the government.

> *"The expenses in the arrest and prosecution of the fishing vessels (mainly as a result of orders of government) totaling eleven thousand pesos silver have never been reimbursed, nor have I ever claimed the same, all I did was submit the expense account of one of the ships, which I brought here, riding about three thousand Spanish pesos... My claims against the US and this Government remain completely in suspense, having not taken a single step… my affairs at the settlement fall daily more into decay and I have not the means of preventing it. The bad consequences of such decay if not put a stop to are incalculable,.. The consequences may be that all attempts at colonization will prove abortive for a considerable time to come, that great capital will therefore be wasted, that the Islands will fall into disrepute… On the other hand, if I could but succeed to get the means of re-establishing on the Island … then with proper management a very flourishing colony highly useful to the commerce round Cape Horn may soon be formed… alone, I can do nothing because I have nothing left. Even some little produce which my late agent had collected for me is detained by the Admiral until he receives orders from his Govt.,.."* [2295]

2290 Peña & Peña 2018

2291 *Davison v Seal-Skins*, Case No. 3661, Circuit Court, D. Connecticut 1835. *cf.* 1839 See also https://falklandstimeline.files.wordpress.com/2012/02/davison-v-seal-skins-18352.pdf

2292 Luis Vernet in *British Packet & Argentine News* October 14, 1837 in *FO 6/501/254*.

2293 Pacheco had died in January 5, 1833; still owing Vernet, according to Pacheco's last will and testament, some 7,000 silver pesos. *cf.* 1820, 1823, 1824 & 1833

2294 Pascoe 2020 p.78 citing *AGN X, 16-6-5 Justicia*. A judicial note of July 2, 1835 noted no objections to the payment.

2295 *CO 78/2.* The file contains only an extract of this letter; the extract running to 12 pages.

"Another trial is with the same lawyer [Alsina], who separately opposes the wishes of all my creditors, who have given me time to pay after the recovery of my different claims. His opposition hurts me a lot, because through his great influence he prevents the Commercial Court from putting the seal to said amicable arrangement, since the judges fear incurring the displeasure of the government (of) Maza. Thus, having the law on my side and all my creditors, I (cannot) obtain from the Court what the law orders in such cases, a public recognition that assures me of my credit and good name, and all this for the evil of a man who is not my creditor. The expenses in which in the detention and trial of the fishing vessels that add up to eleven thousand silver pesos have never been reimbursed to me, nor have I ever claimed the same, all I have done has been to present the expense account of one of the vessels, and the one I brought here, which was worth around three thousand Spanish pesos. The Government ordered me to present it, in order to be examined and paid if it was found to be correct; the expenses include the rental of an anchor and chain that I sent on board, once she was in the port as a prey; which account had not been paid and is mentioned as unpaid in my account. It was examined and found perfectly correct for more than a year, but instead of paying it to me, the Govt. Maza also ordered the owner of the chain to claim the rent from me which he did, and this forms another lawsuit, ([and]) meanwhile the Government has sold the ship and keeps the entire product, without pay me any of the expenses … Some public funds worth twenty thousand pesos paper, owned by me and produced by transactions made with a private individual, were also withheld by order of Maza, under the pretext of recovering ten thousand pesos paper provided once to send necessities to the Falkland Islands, items that have remained there after the destruction of the colony, and were under embargo; and what is worse the Government (of) Maza has recently sold all the funds, including mine…" [2296]

On the subject of women for the settlement, Vernet proposes that the British Government could; *"... direct one of her transports to discharge at the Falkland Islands instead of Botany Bay."*

At Rio de Janeiro, on the same day, Hamond writes to the Admiralty with regard to the Port Louis prisoners he has incarcerated aboard his flag ship.

"... that having carefully examined the evidence adduced by the Witnesses now aboard the Spartiate, I am decidedly of opinion that there <u>is</u> sufficient evidence to convict the murderers, and I therefore feel it my duty to send them to England for trial, as there are no other means by which I can deal with them according to law, so far as I can learn from the Admiralty Statutes... the act 46 Geo.3 directing that offences in places under British dominion shall be tried in England." [2297]

"He concluded that the boat's crew (Unicorn) were innocent of any complicity in the murders... but decided there was a prima facie case against the murderers themselves and resolved to send them to England for trial."[2298]

2296 Version in Caillet-Bois 1982 (6th ed.) pp.383-384 citing *L Vernet a W. Parish, 23 de marzo de 1835*. Alsina was reputedly the Government lawyer that had assisted Vernet in writing up his 'Report' for US Envoy Baylies in 1832. Clearly, Vernet's relationship with the Government of Buenos Aires had deteriorated dramatically following the events of January, 1833. *cf.* 1832 & 1833.

2297 *Hamond to Dawson (Admiralty) March 23, 1835* in *ADM 1/43.* Original emphasis. Letter in full in Pascoe 2022 vol.2 p.434. Enclosed was a 14-page report by the Rear-Admiral summarising the statements he had taken during January, 1835. The statements by Channon, Hopkins (both dined with the murders the night before and were implicated in the selling of ammunition) and Stokes were headed '*Circumstantial Evidence*'. Those from McKay (saw Dickson and Wagnar/Vehingar killed) and Luna '*Direct Evidence*'. The statement from Kirwan (who had only seen the Indians pointing a gun at Helsby) had no heading.

2298 Pascoe 2022 vol.2 pp.433-434

March 25th, from Rio de Janeiro, HM brig-sloop *Snake* sails for Sheerness carrying - Antonio Rivero, Manuel Gonzales, Luciano Flores, Latorre, Manuel Godoy and the King's witness, Jose Luna. Also, as witnesses, – Daniel McKay, Henry Channon, George Hopkins, John Stokes and Patrick Kirwan.

April 3rd, Tasmania's *Hobart Town Courier* reports; *"An association has recently been formed in London, under the patronage of Lords Falkland and Dundonald, for the colonization of these (Falkland) islands."* [2299]

April 5th, from Buenos Aires, US Consul Door reports to Washington.

> *"Gen. Alvear, the minister appointed to proceed to the United States, is slowly recovering from a tedious sickness, which without other causes, would have prevented his undertaking the voyage. His recovery, however, is not likely to lead to his undertaking the mission. I am satisfied that there is no present intention to send a minister to the United States."* [2300]

April 21st, in London, Hamond's February 10th letter is forwarded from the Admiralty to the Foreign Office; *"... I am to request that you will ... move his Lordship to communicate to my Lords and observations he may have to make respecting the retention or possession of these Islands."* [2301]

April 30th, Hamond's February 10th letter is forwarded from the Foreign Office to the Colonial Office; *"... particularly with regard to the instructions which it may be proper to send to the Admiral on the South American Station as to the expediency of retaining or abandoning the possession of these Islands."* [2302]

May 2nd, receipt of Hamond's February 10th letter is noted by the Colonial Office;

> "*The question put by the Foreign Office in this letter is one which belongs to the Cabinet to settle... For some years past there has been a strong desire manifested by some mercantile men in the City, to prevail upon the Government to encourage colonization to the Falkland Islands, but although the occupation of one portion of them by the State of Buenos Ayres, has formed the subject of representation to that Government, no step has been taken by this Departmt which which could lead to the expectation that any sanction would be given by the Government to the formation of a Settlement in that quarter..."*[2303]

May 4th, from Port Louis, Lieut. Henry Smith writes to Rear-Admiral Hamond.

> *"I beg leave to acknowledge the receipt of your Letter in answer to my application that the Boats Crew and myself might be permitted to embark Seal Skins our private property, in which you tell me "you cannot countenance any Trading on the part of the Officer and Men placed there on full pay of His Majesty's Navy. The accompanying account of my situation on this Island will show you what I imagined everyone knew. I am in fact with regard to the few Inhabitants every thing. I have to supply them with all the necessities of life from a Real's worth of pins to a poncho. When I volunteered for the place it was under very different circumstances in my mind. I found it a Waste and Wilderness, and the recent scene of horrid massacre and instead of making or finding difficulties I hope I did as became me, I surmounted three I omit; Ambition had some share in it, but the gard (sic) of my Country was the main spring, for should it ever be the fate of England to be at war with the whole Continent of America, here is the Key to the whole Pacific, as well as a nursery for making a hardy race of sailors.*

2299 No further information.

2300 *Diplomatic Correspondence of the United State, Inter-American Affairs: vol.1 Argentina 1831-1860* W. R. Manning 1932 p.189

2301 *Barrow to Backhouse April 21, 1835* in *CO 78/2 fol.66*

2302 *Backhouse to Hay April 30, 1835* in *CO 78/2 fol.60*

2303 *CO 78/2 fol.62.* A decision would be a long time coming.

My conduct with respect to the Settlement had been guided throughout as if M^r^ M^w^ Brisbane had been living; forced from necessity to take upon myself the charge of all property belonging to M^r^ Vernet which had been in the hands of M^r^ M^w^ Brisbane, all I claim is the same salary. I am too poor and have too large a family to throw my time and money away in recovering the property of another and I have no other way of remunerating myself than taking my proportion of Seal skins.

After 25 years Service I have only a Lieutenant's Commission a few honorable scars and I hope an untarnished Name. I beg that this letter may be forwarded to their Lordships to do away with any unfavorable impressions that may arise from the idea of my trading. My employing my Men sealing for the Remainder as long as it did not interfere with the rights of the Inhabitants, I regard as a duty on the same footing as captains allowing their Men to be employed on Merchants account being paid. I have known a Carpenter in the Pacific earn three Dollars a day. Sealing men have shares and are not paid in money." [2304]

In England, Woodbine Parish writes to Lord Palmerston, who is, once again, Foreign Secretary. Parish suggests that Vernet be allowed to colonise the Falkland Islands as; *"... Vernet was the first who showed that (these) islands could be inhabited and could be converted into a valuable possession."* [2305]

May 10th, at Spithead, HMS *Snake* anchors. Latorre, the detained Charrúa Indian, is transferred to the Royal Naval Hospital at Portsmouth. [2306] The package of documents from the Rear-Admiral in Rio de Janeiro is despatched to London.

"We understand that the persons implicated in the massacre which took place at the Falkland Islands in August, 1833, have been brought to England for trial in HMS Snake." [2307]

May 11th, from Rio de Janeiro, Rear-Admiral Hamond pens an order for Lieut. Smith.

> *"It is my direction that you deliver to Mr. Lewis Vernet, or his Agent properly authorised, all Hides, Skins, and Money, which you hold on his account, upon his settling the Claims of the Men upon the Island who have been employed in their acquisitions so as to prevent any Complaint from them against the British Authority."* [2308]

"Admiral Sir Graham Eden Hamond sanctioned these proceedings by directing Lieut. Smith... to hold said property, and the money arising from sales of Beef, at the disposal of your Memorialist; all of which belonged to your Memorialist as a private individual. That after this reestablishment of your Memorialists affairs on the

---

2304 *Smith to Hamond May 4, 1835* in *CO 78/2 fols.28-29*. Original emphasis. An embittered response from a Lieutenant to a Rear-Admiral? I can find no information as to when Hamond's order was written or delivered to Smith. Or how. A three week (?) voyage from Rio to Janeiro to the Islands, would suggest a ship left Brazil in the middle of April. There is no record. Clearly written in anger, suggesting a delivery date just before Smith's response, Smith's letter was eventually forwarded to the Admiralty in London. There, the implication that Matthew Brisbane had been paid was picked up and researched. It seems that someone asked how much Brisbane had received in remuneration, to which a note dated August 22, 1835 stated that *"as no payment was made by this Department to Mr Brisbane, they have no means of furnishing the information requested"*. Either Smith misunderstood Brisbane's position, or his method of writing without much in the way of punctuation, caused confusion. See Pacsoe 2022 vol.2 p.436 fn.3

2305 Parish quoted in Caillet-Bois 1982 (6th ed.) pp.384-385 citing *W. Parish to Viscount Palmerston, 4 May 1835. Copy to L. Vernet, May 4, 1835*

2306 The nature of the illness or injury is not stated, but Latorre would seem to have died at Portsmouth shortly thereafter.

2307 *Naval & Military Gazette & Weekly Chronicle of the United Service* Saturday May 16 1835

2308 *Hamond to Smith May 11, 1835* in *ADM 1/49*. Pascoe (2022 vol.2 p.435) cites a later copy sent to Vernet by Smith in November, 1852, now in *AGN VII, 132*, which gives the date as May 1, 1835.

Island by the British Lieut: in Charge, there was nothing wanting again to replace your Memorialist's cattle business on its former efficient footing and to re-establish his Colony (now under British Protection).” [2309]

May 12th, HMS *Snake* arrives at Sheerness in the mouth of the River Medway. The remaining prisoners are placed in irons aboard the flagship HMS *Ocean* to await a decision as to their fate. [2310]

> *“Eight prisoners, lately brought to Portsmouth in his Majesty's sloop Snake, from South America, have been conveyed to London for trial in the Admiralty Court. It will be remembered, that in the month of August, 1833, a dreadful massacre took place at the Falkland Islands, in which these fellows were the chief actors.”* [2311]

In London, at the Home Office, a file of evidence is prepared for the Law Officers who are being asked to consider the case against the Port Louis accused. [2312] Specifically, the Law Officers are asked to consider three questions - a) whether the prisoners are liable to prosecution under the provisions of the *Offences against the Person Act 1828,* or by any other means, for the murder of all or any of the deceased; b) whether the evidence is sufficient to lead to their conviction; and c) whether, under the circumstances, and with reference to whether it might be fit to execute judgement upon them in case of a conviction, they would recommend a prosecution? [2313]

May 18th, in London, Lord Glenelg, Secretary of State for War and the Colonies, proposes that Lieut. Smith be removed from Port Louis; the islands to be merely visited regularly by a vessel of “*His Majesty*”.

> *“Lord Glenelg has directed me to request you to state to Lord Palmerston, that he does not consider that it would be desirable to abandon the rights of Great Britain to the Falkland Islands, but that he is not prepared to think that it would be convenient to have recourse to the measure of occupying these islands with a military force, as is suggested by Rear Admiral Sir Graham Eden Hamond... his Lordship would propose, as has been already recommended that the Naval officer and his boat's Crew should be withdrawn from Berkeley Sound, but that the Rear Admiral commanding on the South American Station should be instructed to order his Squadron to pay frequent visits to the Falkland islands, for the purpose of preventing their occupation by another Power”* [2314]

May 19th, Glenelg's letter arrives at the Foreign Office, where a note is attached; *“Should this decision respecting the Falkland Islands be communicated to Mr Moreno in answer to his note of December 29th 1834?”* [2315]

May 26th, Lord Palmerston attaches his own note to the Colonial Office letter asking for information.

> *“What was Mr Moreno's note of Decr 1834? I don't understand what the objection is to continuing the present State of occupation by a Lieut & Boats Crew, & why two or three Families of Fishermen from Shetland or Orkneys might not be sent there as suggested.”*

2309 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43.* Writing 17 years later, Vernet appears to have assumed that these instructions amounted to a reinstatement of his rights and titles. Not merely the handover of whatever personal effects/monies still remained - subject to any debts. *cf.* August, 1839

2310 A letter of May 12, 1835 from the Admiralty to the Colonial Office stated tersely; *“... as the subject does not in any way relate to the Naval Department, their Lordships request that Lord Glenelg will give directions as to their future disposal”* (*CO 78/2 fol.11*). The witnesses were allowed ashore - see Pascoe 2022 vol.2 p.442 fn.1.

2311 *Naval & Military Gazette & Weekly Chronicle of the United Service* Saturday, June 6, 1835

2312 *Case Respecting certain Prisoners lately brought from the Falkland Islands charged with murder* in *HO 48/30 Case 5, folio 22.* Also *TS 25/2047/27.* Law Officers were Sir John Dodson (Advocate-General), Sir John Campbell (Attorney-General) and Sir Robert Rolf (Solicitor-General).

2313 *TS 25/2047/27*

2314 *Hay to Backhouse May 18, 1835* in *FO 6/501 f.149.* This was about costs, not sovereignty.

2315 *FO 6/501 fol.153*

"He knew nothing about the note from Argentine Ambassador Manuel Moreno, since it had arrived during the five months in which he had been replaced as Foreign Secretary by the Duke of Wellington (15 November 1834 to 18 April 1835), so he needed to catch up with Falklands affairs." [2316]

May 29th, Lord Palmerston pens a further note to the Colonial Office letter, asking Lord Glenelg; *"... whether in the present state of our discussion with Buenos Ayres respecting the Sovereignty of the Falkland Islands, the entire withdrawal of the occupying detachment might not wear the appearance of an abandonment of our claims."* [2317]

May 30th, Robert Hay of the Colonial Department, comments;

> *"In reply to the questions put by F.O. I should be disposed to state – That the withdrawing of all our force from these islands would have the <u>appearance</u> of abandoning our claims, but would not bar our right to remonstrate against their occupation by the Buenos Ayres government or any other Gov^t^.*
>
> *2^dly^ that if any Settlers are to be sent out from this Country, the proposals made by Parties, who have speculated in Land in the F. Islands, & are willing to send out Emigrants & Stores to that quarter ought in preference to be accepted."* [2318]

"Britain's lack of interest in actually occupying the Falklands is shown by the fact that in May 1835 the Colonial Office suggested to the Foreign Office that "the Naval officer and his boat's Crew should be withdrawn from Berkeley Sound". The Colonial Office thought there should be no permanent British presence but merely regular visits to the islands by British warships, to trigger a British reaction to any moves by any other power. Nothing came of that proposal, but it demonstrates the falsity of all assertions or implications that in the 1830s Britain was keen to occupy the Falklands." [2319]

June 2nd, the Colonial Office also provides its opinion for the Law Officers; *"It is alleged that they were all harshly treated by Brisbane and Dickson who refused to pay them according to agreement for a pen which they had erected for the retention of the Wild Cattle in the catching and slaying of which they were chiefly employed. ..."* [2320]

On the same day, without the Colonial Office's input, the legal opinion of the Law Officers is given.

> *"By Stat: 9 G. 4 C.31 s.7 If any of His Majesty's Subjects shall be charged in England with any murder or manslaughter or with being accessory before the fact to any murder or after the fact to any murder or manslaughter the same being respectively committed on Land out of the United Kingdom whether within the King's Domains or without it shall be lawful for any Justice of the Peace of the County or Place where the person so charged shall be to take recognizance of the offence so charged and to proceed therein as if the same had been committed within the limits of his ordinary jurisdiction and if any persons so charged shall be committed for Trial or admitted to Rivil (?) to answer such charge – a Commission of Oyer and Terminer under the Great Seal shall be directed to such persons and into such County or Place as shall be appointed by the Lord Chancellor or Lord Keeper or Lords (..?..) of the Great Seal for the speedy trial of any such offender and such persons shall have full power to enquire or hear & determine all such offences with the County or Place limited in their*

2316 Pascoe 2022 vol.
2317 *CO 78/02*
2318 *CO 78/2 fols.74-75*
2319 Pascoe 2020 pp.157-158
2320 *Home Office memorandum 2 June 1835 H.O. 48/30 case 5, p.22* in Muffty 1986.

Commission to such good and lawful men of the said County or Place as shall be returned before them for that purpose in the same manner as if the offences had been actually committed in the said County or Place.

It should seem that the Individuals charged with this offence will not be amenable to the Criminal Justice of this Country under the provisions of the above Statute unless they may be deemed to be subjects of His Majesty. – Their bodily presence in this Country as Prisoners in invitum will probably not be considered sufficient to cast upon them that Character for the purpose at least of bringing them within the penal provisions of the Statute, but it is submitted that after the possession taken by Commodore Onslow the settlement in Berkeley Sound became a part of and within the Dominions of His Majesty and thus these individuals (altho' Foreigners and originally settled there under a Foreign Dominion) being resident within the King's Dominion and therefore entitled to the King's protection and owing allegiance to him became subjects of His Majesty within the meaning of the Statute.

It should be observed that three of the Prisoners, viz Manuel Gonzales, Luciano Flores and Manuel Godoy appear to be of the lowest cast of South American Indians nearly approaching to savages. The fourth Antonio Rivero appears to be of a somewhat higher order of being tho' probably he was in his origin a wild Spanish South American –

None of them understand the English language but speak a species of base Spanish.

The King's Advocate and Attorney and Solicitor General are requested to advise

> *1st Whether these Prisoners are liable to be prosecuted under the provisions of the Act 99.4.C.31.S.7 or by any other means for the murder of all or any and which of the Individuals above stated?*

We are of the opinion that under 9 Geo.4.C.31 these prisoners might be prosecuted in England for the murder of all the individuals above mentioned.

> *2nd Whether the evidence will be sufficient to lead to their Conviction?*

We think the evidence would be sufficient to warrant a conviction.

> *3rd Whether under the circumstances, and with reference to whether it might be fit to execute judgement upon them in case of a Conviction they would recommend a prosecution?*

But under all the circumstances it appears to us that in the case of a conviction the sentence could not fitly be carried into execution & (therefore) we cannot recommend a Prosecution. *"* [2321]

2321 *TS 25/2047*. Also *Law Officers Opinion HO 48.30, Case 5, 22-3*. My emphasis. This legal opinion has created a great deal of discussion in recent decades; much of it convoluted; much of it nonsense. The problem was clear; as was the Law Officers' response. The only available independent witness able to give direct evidence of murder was McKay. He had seen Dickson and Wagner killed by Salazar and Latorre (both dead). The only other independent witness with direct evidence (of Ventura being shot) was Thomas Helsby, who had refused to travel to England for a trial. The remaining witnesses could offer only circumstantial evidence. That left Luna; who had turned King's Evidence in an attempt to save himself from the noose. In that period of the 19th century, the accused were not called to give evidence; not even on their own behalf. Unable to defend themselves. Therefore, the whole of any prosecution case would rest upon a turncoat – Luna. While such evidence would be legally "*sufficient*," it could lead to an inequitable result; there being just one punishment – death. No life imprisonment, just death. To hang men solely upon the evidence of an accomplice raised questions of fairness (equity). Compounded, by the accused having no understandings of the proceedings and viewed as little more than savages. Thus, a conviction could be seen as being 'unsafe'; bringing the legal system into disrepute. Particularly if the accused gained public sympathy. The Law Officers' conclusions were simple. There was an offence triable within the British legal system. There was enough evidence to convict. But with execution as the only available punishment, the **sentence** "*could not fitly*" be carried out.

"The capture of those responsible,.., presented the British with a strange problem, namely of deciding by what law they should be judged. There was no British law applicable to a territory acquired by force. The law officers of the Crown stated that they could not recommend that proceedings be instituted." [2322]

"... in order to avoid an annoying and cumbersome process, from which consequences not favorable to English interests could undoubtedly arise, four terrible criminals did not receive the deserved punishment that corresponded to them for the treacherous murder of which they were perpetrators." [2323]

"... they were tried and absolved due to the lack of British jurisdiction over the Falkland Island(s)." [2324]

June 4th, without a prosecution, the question of what to do next is passed to the Colonial Office.

> *"I am directed by Lord John Russell to acquaint you, for the information of Lord Glenelg,... that a case, relating to the individuals brought to this country upon a charge of Murder, committed at the Falkland Islands in the month of August 1833, has been prepared and laid before the King's Advocate and Attorney and Solicitor General who have reported their opinion that the Evidence might be sufficient to warrant a conviction under 9th Geo. 4 C.31 – But that* ***under all the peculiar circumstances of the case it would scarcely be justiciable*** *if there should be a conviction, to carry the (unreadable) execution... (unreadable)...*
>
> *Lord John Russell therefore desires that Lord Glenelg's attention should be called to the subject in order that arrangements may be made in concert with the Board of Admiralty, for the disposal of the individuals alluded to who are now detained on board the Flag ship at Sheerness."* [2325]

June 16th, the Admiralty is asked to repatriate the remaining detainees and witnesses to South America. [2326]

June 18th, in England, George Whitington writes to Lord Glenelg to argue for Falklands colonization. [2327]

June 20th, two of the owners of *Susannah Ann*, James Lucas and Robert Ferguson, forbidden to take seals in Berkeley Sound in April, 1834, write to the Admiralty in London. [2328]

> *"That your Memorialists am advised that the interferences of Lieutenant Smith ... were altogether illegal, and contrary to the duty of a British Governor, and that, even if there had been (and your Memorialists fully believe there were not) any persons at the Colony who depended for support upon the fisheries on the North and South Rocks, he would have no rights to confer a monopoly upon them, to the exclusion of British Merchants not resident there, ... and to serve it by threatening the British subjects with imprisonment & death if they ventured to trespass upon it; ...*
>
> *That your Memorialists also observed that they have a remedy by means of a Civil actions against the said Lieutenant Smith for the damages they have sustained by his misconduct, ...*

2322 *Ambassador Bonifacio del Carril to the Fourth Committee of the United Nations on November 9, 1965* in *CO 1024//438*. This is nonsense. There was a law (*9 Geo. 4C.31* of 1828), which was clearly stated to be applicable.

2323 Caillet-Bois 1982 (6th ed.) p.379 fn.6

2324 Bullrich 2000 p.106. Also nonsense, as clearly identified by the Law Officers.

2325 *Phillips (Home Office) to Hay (Colonial Office) June 4, 1835* in *CO 78/2.* My emphasis. Unfortunately, some other hand has written a note across one corner of the second page obscuring part of its contents. For some unstated reason this letter was 'recalled', possibly for amendment, and did not reach the Colonial Office until June 16th, 1835.

2326 The witnesses initially opted to return to Brazil.

2327 Caillet-Bois 1982 (6th ed.) p.395. Whitington appears to have despatched copies of his proposals to Britain's Minister at Buenos Aires, and Lieut. Smith in the Falklands. But not, strangely, to Luis Vernet.

2328 Forwarded to Rear Admiral Hamond on July 4, 1835, with a direction that Lieut. Smith explain his conduct.

Your Memorialists therefore humbly pray, that your Lordships will forward our immediate enquiry with the conduct of this said Lieut Smith, in the particulars above aforementioned of, and that if the complaint shall serve to your Lordship well founded, you will cause him to be recalled from his Governments in order that he may be amenable to our actions..." [2329]

June 24th, a letter from the Admiralty to Rear-Admiral Hamond is prepared.

"I (am) commanded by my Lord Commissioners of the Admiralty to acquaint you that it appears that the Law Officers of the Crown cannot recommend the prosecution of the individuals who have been brought to England upon a charge of murder committed at the Falkland Islands in August 1833, and their Lordships have therefore ordered these men with the persons (sic) detained as King's evidence to be sent back to South America by the first Packet." [2330]

June 27th, at the Medway river, Rivero, González, Godoy, Flores and Luna are transferred to HMS *Messenger*. Also embarked are the witnesses Channon, Hopkins, Kirwan, McKay and Stokes.

June 30th, at Plymouth, all the ex-Port Louis residents are placed aboard HMS *San Josef* to await a ship bound for Rio de Janeiro. Godoy, however, is almost immediately transferred to the Naval Hospital. [2331]

July 1st, from his home in England, Woodbine Parish again writes to Lord Palmerston.

"I received by the last Packet another letter from Mr. Vernet relative to the Falkland Islands… The Residence there of Mr Vernet & his People for several years has proved that they are not the barren and inhospitable Region they were long supposed to be:- The Establishment of Mr Vernet was visited in the course of 4 or 5 years by no less than a hundred Vessels of all nations, and I feel persuaded if it had gone on as it began, without any absurd assumption of Authority, or Right to interfere with foreign ships, that it would have become by this time a thriving and useful Colony.- … It would seem that Mr. Vernet's most anxious wish is,- to be permitted to re-establish his Settlement;... To agreeing to so much of Mr. Vernets Propositions HM Govt., might make these possessions certainly of some utility – and perhaps eventually of some importance." [2332]

July 4th, the ex-Port Louis residents (ex-prisoners and witnesses) are taken by HMS *Netley* to Falmouth, from where Channon, Hopkins, Kirwan, McKay and Stokes decide to return to London to seek compensation. [2333]

July 10th, at Falmouth, Rivero, González, Flores and Luna go aboard HMS *Swallow* for a voyage to Brazil. [2334]

July 19th, from Port Louis, Lieutenant Smith writes to Rio de Janeiro.

"I beg leave to acknowledge receipt of your letter of the 16th by H.M.S. Blonde, and with respect to Captains Ferguson and Nash … they have given me some little trouble, however I hope at last I have succeeded in putting down these lawless fellows whom I firmly believe are only one step removed from

---

2329 *N-CUL-GEN-1 Rear Admiral Hamond Correspondence 1834-1836.* See - https://www.nationalarchives.gov.fk/jdownloads/People/Culture and Early History/N-CUL-GEN-1. Rear Admiral Hamond Correspondence 1834-1836.pdf

2330 *Wood to Hamond June 24, 1835* in *N-CUL-GEN-1 Rear Admiral Hamond Correspondence 1834-1836.* See also *FO 6/501*

2331 Godoy died July 5, 1835. The nature of his illness was not recorded

2332 *Parish to Palmerston, July 1, 1835* in *CO 78/2.* Letter in full in Pascoe 2022 vol.2 pp.453-454

2333 Eventually, in September, 1835, Henry Channon, received a sum of £100 to cover his, "*wages and costs*" while £36 was paid to each of the others. Channon's larger compensation reflected his work as a carpenter on board the various ships he found himself upon during the voyage from Port Louis, via Valparaiso and Rio de Janeiro, to London. *CO 78/2 fol.98*

2334 *Admiralty to Grey August 5, 1835* in *CO 78/2*

Pirates. I have recovered the seal skins and put the Colony (on) its former footing, taking care of the proceeds of beef and processing the Hides. I have now upwards of two hundred dollars in my hands, and I should like to know ..., if I am to deliver up the property, or wait for your orders I now carry on the concern as if I did not know such a person as Mr. Vernet. There are upwards of 500 dollars in paper money of Mr. Vernet's issuing in the hands of a Black Slave, lately belonging to the Capitaz, by whom she has a child and to whom the money belonged. [2335] *I also think it proper that Mr Vernet should, according to his contract which I have sent you, turn it into hard dollars (one of the causes of discontent) as I am obliged to find all necessaries, with the exception of Animal food; at least the paper money one of my men takes should be paid."* [2336]

July 28th, the Colonial Office, having considered Ambassador Moreno's letter of December, 1834, responds to Lord Palmerston.

*"... (They) were inclined to think that **unless** the ancient pretensions of Spain – never admitted by this country – to the exclusive possession of the Magellanic regions, had become invested in the Argentine Republic by the fact of its transformation from a Dependency of the Spanish Monarchy into an independent State, it might be with **the Court of Madrid alone** that Her Majesty's Government could properly consent to discuss the question of the sovereignty of the Falkland Islands."* [2337]

Palmerston notes; *"Perhaps it may be best to let the matter drop."* [2338]

"Senor Moreno's protest of the 29th December, 1834, was, therefore, never answered." [2339]

July 31st, at Port Louis, Lieut. Smith welcomes the arrival of his 18-year old son, Hugh. Smith hands to his son, responsibility for Luis Vernet's cattle business; so necessary to maintain the settlement as a viable entity; *"This officer (with the permission of the Admiral) delivered my property, which he found there (all my Agents having been killed) into the charge of his son, W. Smith (sic), by whom it was collected, and who continued to carry on the cattle and sealing operations, as my Agent, till 1838..."* [2340]

"Lieutenant Henry Smith had been forbidden by Rear Admiral Hamond to engage in trade, but he was at least permitted to arrange for his son Hugh, then aged about 18, to join him in the islands. Henry Smith had responded conscientiously to Louis Vernet's attempts to recover his property in the islands, but on being forbidden to trade he put the entire cattle business in Hugh's hands and appointed him as Vernet's agent. ... four days after his arrival, he began bookkeeping and started to keep accounts of the work done by the gauchos..." [2341]

August 10th, in London, the Admiralty are notified of the Government's decisions with regard to Smith.

"... Lord Glenelg having communicated with Viscount Palmerston upon this subject, is of opinion, that while no necessity exists for occupying the islands with a military force, as suggested by Sir Graham Eden Hammond, yet that in the present state of the discussion of this Government with Buenos Aires

2335 The slave would be Carmelita, the 'Capataz' the murdered Juan (Jean) Simon.
2336 *N-CUL-GEN-1 Rear Admiral Hammond Correspondence 1834-1836.*
2337 *CO 78/2.* My emphasis.
2338 Palmerston's simple comment is often taken out of its context. The Minister's concern was to avoid an awkward conversation with Spain – not a conversation with Buenos Aires. Following the death of Ferdinand in 1833, Spain had been slowly moving towards accepting the status quo in the Americas and formally recognising its revolted colonies as new nations. A policy that Britain favoured. Spain had not protested Onslow's action of January 1833, and Palmerston had no wish to remind them of it. See 1836
2339 *Memorandum Respecting the Falkland Islands* G. de Bernhardt 1911
2340 *Vernet to Labouchere December 1856* in *CO 78/43. cf.* 1836
2341 Pascoe 2022 vol.2 p.454

respecting the sovereignty of the Islands, it would be inexpedient to do any act which might wear the appearance of an abandonment of His Majesty's claims, and that in Lord Glenelg's judgement the proposed withdrawal of the Boats crew might have that appearance. Under such circumstances Lord Glenelg considers that for the present, the Detachment of seamen should not only not be withdrawn, but that it should be reinforced to the extent which may be requisite for enabling the party to provide in the most effective manner for their protection and safety, and that they should be placed under the command of an experienced officer with instructions to prevent the settlement of foreign intruders, to guard as far as possible against the wanton destruction of wild cattle, and generally for preserving the Falkland Islands as possessions of the British Crown…" [2342]

September 3rd, at Rio de Janeiro, Rear-Admiral Hamond notes the arrival of Antonio Rivero, Manuel Gonzales, Luciano Flores and Jose Luna aboard HMS *Swallow*.

"Nothing whatever is come in shape of instructions relating to the Falkland Islands,- but they have sent me back four of the murderers of 1833, stating that the Law Officers did not think there was sufficient evidence to prosecute them.- It is a very slovenly way of doing business, thus throwing the onus of letting these rascals escape upon my shoulders, if I chuse to let them go." [2343]

September 5th, Rivero, Gonzales, Flores and Luna are put aboard *Cockatrice* bound for the Rio de la Plata.

On the same day, Rear-Admiral Hamond writes to the British Ministers in Buenos Aires and Montevideo requesting that permission be gained; *"…from the Government of Buenos Ayres and the Oriental Republic, that the 4 individuals implicated in the massacre of the Falkland Islands, may be landed where they were embarked for those Islands; that having been bought back to S. America from England in consequence of the Law Officers of the Crown not recommending their prosecution…"* [2344]

September 16th, HMS *Cockatrice* anchors at Montevideo.

September 17th, *Cockatrice* arrives at Buenos Aires, where Rivero, Gonzales, Flores and Luna are handed over to Capt. Pennell, commanding HMS *Talbot*.

September 19th, from Buenos Aires, Minister Hamilton writes to Admiral Hamond, reluctant to inform the Confederation Government that those seized at Port Louis were now in their port.

"I regret very much that it is not in my power to act in the manner you point out in your letter of the 5th instant, with regard to the individuals concerned in the massacre at the Falkland Islands, who have been brought from Rio de Janeiro on the "Cockatrice".

I am without any instructions from the Foreign Office on the subject; & being so am unwilling to open with this Government a correspondence which might ultimately lead us very far beyond the simple fact of how these men are to be disposed of.

In whom is vested the rightful possession of the Falkland Islands, is no question in England; but in this country & in the Banda Oriental it yet remains such; & disinclined as the Government here is to abandon it, I should hardly be justified, I think, in the adoption of a measure which might, by possibility, be tortured by it into some sort of an acknowledgement on my part of a right which certainly does not exist.

2342 *Hay to Wood August 10, 1835* in *FO 6/501*
2343 *HAM/125 pp.195-196 NMM*
2344 *Hamilton to Palmerston September 19, 1835* in *FO 6/501.* Luna was from Buenos Aires; the others from Montevideo.

I cannot be too wary on their part; & feel it, therefore, to be incumbent on me; before I can act, to submit your letter for the consideration of Mr. Palmerston.

But though it does not appear to me advisable to make any official application for permission to disembark these men in these Territories, I am not aware that any difficulty would arise in allowing them to land, on their own responsibility, whenever an opportunity may offer; seeing indeed that the Law Officers of the Crown cannot recommend their prosecution, to give them this liberty seems scarcely unreasonable; and I have ventured to state as much to the Captain of the 'Talbot'."[2345]

September 22nd, in London, from the Admiralty, Barrow writes to Lord Glenelg.

"Having laid before my Lords Commissioners of the Admiralty your letter of the 10th instant, with its inclosures, respecting the reoccupation of the Falkland Islands; I am commanded by their Lordships to acquaint You, for the information of Lord Glenelg, that my Lords have no means of effectually keeping possession of the interior of the Falkland Islands and of preserving Property, but that the Admiral on the South American Station may be directed from time to time to station a small Vessel, with a few supernumerary Marines on board, for the purpose of giving assistance to British Traders and Settlers in case of necessity, and it is proposed to give order to the Admiral on that Station to this effect: if however it appears desirable to take measures for more absolutely retaining possession of these Islands, their Lordships would request more specific information as to the force of Marines which it might be thought proper to station there, and to the manner in which the expenses are to be defrayed as no funds have been provided for this purpose." [2346]

September 24th, from Buenos Aires, *Talbot* sails for Montevideo. [2347]

September 25th, John Henry Mandeville is appointed to be the new British Minister in Buenos Aires.

October 28th, Rivero, Gonzales, Flores and Luna are put ashore near Montevideo.

"Discharged the four prisoners received from the Cockatrice at Buenos Aires."[2348]

2345 *Hamilton to Hamond September 19, 1835* in *FO 6/501 fols.176-177* Also *N-CUL-GEN-1 Rear Admiral Hamond Correspondence 1834-1836.* Copied to Lord Palmerston. No response from Montevideo is recorded.
2346 *Barrow to Stephen September 22, 1835 CO 78/2*
2347 Arrived 26th.
2348 *PRO Adm 51/3504 Captain's log.*

November 13th, from Buenos Aires, Minister Hamilton writes to London.

> *"I have to acquaint Your Lordship, that, agreeably to the suggestion made by me to the Officer Commanding His Majesty's Ship "Talbot", … the individuals in question were permitted, during a recent visit of the "Talbot" to Monte Video, to take advantage of a suitable opportunity, and to land their, on their own responsibility …"* [2349]

"... on their fate history is silent, in contrast to pseudo-history, in which Antonio Rivero plays a heroic but entirely fictional part..." [2350]

November 26th, from Buenos Aires, the French *charge d'affaires*, de Vins de Peysac, writes to his Foreign Ministry in Paris.

> *"... I still do not hesitate to believe that the Falklands, as a port of call, would offer more advantages in their (Argentine) hands than in the hands of the British …."* [2351]

December 2nd, at Port Louis, American sealer, *Eveline* (Storer), returns. Lieut. Smith reminds Captain Storer that he is forbidden to take seals from either shore of Berkeley Sound.

"(Smith) informed me that the Rocks were prohibited; that his son and Boats Crew had the management of them, and unless I could make some arrangement with them I must not attempt to take seals on there.– He then gave me his circular..." [2352]

December 16th, Lieut. Henry Smith writes to Luis Vernet in Buenos Aires.

> *"On my arrival here in Jan^{y} 1834 for the protection of the settlers I found the settlement and your property in utter ruin; however by dint of perseverance and with my own funds, I recovered the horses from the camp and reestablished the whole of your concerns. On the arrival of my son here, last July, I put your affairs in his hands, giving him the surplus of monies for the sale of beef. …*
>
> *There are now 29 seal skins besides those I recovered which were taken away by the cutter Susannah Anne, and about 400 dry and salted hides, 50 or 60 head of tame cattle and 41 wild, 30 working horses and 20 or 30 others. … PS. … You will excuse my giving one piece of advice – it requires several small vessels to carry on the establishment properly, it will not do to freight vessels, they'll eat it all up. If you have the means, sell your property to some English merchant or merchants, I have written to a Mr. G. T. Whitington on the subject, who sent me out a prospectus of an association he was forming to colonize the Island."* [2353]

December 17th, Lieut. Smith's son, Hugh, also writes to Vernet enclosing an account. He complains that there are no profits due to Vernet's arrangements with his gauchos.

> *"... We are most in want of Gauchos; but I think the way they are paid is exhorbitant (sic), which is according to your contract; in fact it eats up all the sales of beef, we are also in want of horse gear of all descriptions. I request to be informed what salary I am to expect for my trouble, and if you intend I*

2349 *Hamilton to Palmerston November 13, 1835* in *FO 6/501. cf.* 1956 & August, 2012
2350 Pascoe 2020 p.171. *cf.* 1956, 1966 & 2015
2351 Caillet-Bois 1982 (6th ed.) p.358
2352 *James B. Storer to Admiral Hamond February 23, 1836* in *FO 97/35* at *455*. *cf.* November 1834, January, 1835, March, 1836, January, 1835 & 1854
2353 *Smith to Vernet December 16, 1835* in *AGN VII 130, doc.109*. In full in Pascoe 2022 vol.2 p.466. No information as to the carrier of Whitington's prospectus.

should remain as your agent, or employ another, I have sent for your information the accounts up to this date.

A small vessel of about 30 or 40 tones is much needed, if you send Gauchos, be sure they bring their wives, women are a requisite to make it a colony. I have a boat and five men at the North and South Rocks, but I am afraid that we shall have a bad season, as persons not belonging to the colony work the rocks when our backs are turned…" [2354]

"… your Memorialist having confirmed Lieut. Smith's son in his agency, your Memorialist in January, 1835, received another letter from Lieut. Smith and one from his son, covering account sales of Cattle for the use of H.B.M.'s Shipping and Garrison, accompanied by a statement of the number of Ox hides and Seal skins they had found upon the Island, and also of those they had accumulated since, holding all this property at the disposal of your Memorialist and promising to continue his affairs on the Island,.." [2355]

"The final sums represent a deficit: 400 pesos 7 reales had been paid out but only 299 pesos 4 reales received, leaving the establishment "In debt to me 101.3" as Hugh Smith wrote. … So, over four years after Vernet left the islands in November 1831, his establishment was still being run on his behalf and on the lines he laid down,…"[2356]

1836 – February 12th, in Buenos Aires, Luis Vernet writes to Britain's Minister, Hamilton Hamilton.

"Having it now in my power to obtain assistance from friends to enable me to furnish the necessary supplies of cattle to HM Ships of war & to the settlers who might come from England to the Falkland Islands, provided I can shew to said friends that in your Excellency's opinion no opposition is to be anticipated on the side of the British Government…" [2357]

February 14th, Hamilton responds to Vernet.

"… I cannot hesitate to repeat now what I said in a former letter, that though it is not in my power to speak positively as to the existence of any difficulties in the way of your landing there as much horses as you may think it advisable to send; yet, so far as the probabilities go, I cannot anticipate any opposition whatever on the side of my Govt. At the same time, this is only my private opinion, & must be taken for no more than it is worth." [2358]

February 22nd, frustrated at the perceived lack of enthusiasm from the British, Luis Vernet organises an expedition to Soledad Island to re-found his cattle business. Two ships, supplies and men, to be led by General Juan Antonio Lavalleja. [2359]

"… your Memorialist, after many fruitless efforts to obtain assistance from his own friends, succeeded at last in 1836, in making an arrangement with General Lavalleja for the domestication of all the wild Cattle at his expense, for which your Memorialist was to pay him so much per head; …" [2360]

2354 *Smith to Vernet December 17, 1835* in *AGN VII 132, doc. 223*. In full in Pascoe 2022 vol.2 pp.466-467. The gaucho's contracts stated they should be paid one peso a day for herding cattle, plus one per night out in the Camp, plus further payments for the hides obtained.

2355 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43*

2356 Pascoe 2022 vol.2 p.464

2357 *Vernet to Hamilton February 12, 1836* in *AGN VII 132 doc.228.*

2358 *Hamilton to Vernet February 14, 1836* in *AGN VII 127 doc.45*.

2359 Caillet-Bois 1982 (6th ed.) p.386

2360 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43*

"... on February 22, 1836 he celebrated a contract with General Juan Antonio Lavalleja, with whom he had been linked for many years. ... Vernet placed great hopes on the benefits of the agreement with Lavalleja." [2361]

February 23rd, Captain Storer (*Eveline*), writes a letter of complaint to Rear-Admiral Hamond.

> *"... upon landing I found a Boats Crew of six men and among them were two more belonging to His Majesty's service (under the direction of Mr. Smith) who informed me that they had instructions from the Governor at Port Louis not to permit any vessel to Seal the Rocks..."* [2362]

March 10th, Luis Vernet writes to his old patron Lewis Krumbhaar, in Philadelphia, to tell him of his plans. [2363]

"In March he estimated that, after about five or six weeks, the expedition would be able to set sail. He didn't know at the time if Lavalleja himself would accompany him on the journey." [2364]

March 20th, from Rio de Janeiro, Rear-Admiral Hamond sends instructions to Lieut. Smith at Port Louis.

> *"... you will be courteous to all, but on no account to suffer money to be taken except for the Wild Cattle, that may be furnished to shipping or others, which you will henceforth place to the account of the British Government till further orders..."* [2365]

"When I was ordered to place the account of the sales of Beef etc., to the British Government, the whole of the sales from my appointment (in 1834) to my being superseded, were remitted to the Commander in Chief..." [2366]

March 21st, from Rio de Janeiro, Hamond responds to the complaint from James Storer.

> *"... I have to inform you that I have given directions to Lieutenant Smith, not to interfere in the fishing of such vessels as may be peaceably carrying on their business in any part round the Falkland Islands..."* [2367]

March 22nd, in Buenos Aires, Vernet writes to Messrs. Dickson & Co seeking a loan.

> *"I Lately made a contract with General Lavallega (sic), in which he obligates himself to undertake at his sole expence the domestication of all the wild Cattle **I possess** on the East Falkland Islands; the cows & calves of which he is to deliver to me at the end of 4 years in Estancias, at the price of one Spanish Dollar for each head, for his trouble & Expences, and to kill during the 4 years all the Oxen in a Saladero, he being entitled for Expences and trouble to ½ the Ox hides & ¾ of the yerk (jerked) beef Tallow & horns during said four years - ... I wish to obtain a loan from your house, which if you will grant it, I shall in return for such service rendered me, engage to consign to your house during a fixed number of years, all the produce coming from the said (Lavalleja) speculation, including the produce from the cattle business – And for the security of the loan I will mortgage all the property of every description whatever I possess on the Island ..."* [2368]

2361 Caillet-Bois 1982 (6th ed.) p.386

2362 *James B. Storer to Admiral Hamond February 23, 1836* in *FO 97/35* at *455*. *cf.* 1854

2363 *AGN VII 130 doc.111*

2364 Caillet-Bois 1982 (6th ed.) p.386

2365 Quoted in *Vernet to Labouchere December 1856* in *CO 78/43.* Having objected to Smith trading in seal skins, Hamond now instructed him to trade in cattle, albeit on behalf of the British government.

2366 *Smith to Vernet, November 5, 1852* quoted in *Vernet to Labouchere December 1856* in *CO 78/43*

2367 *Hamond to Storer March 21, 1836* in *FO 97/35/461.* Directions that Lieut. Smith appears to have ignored.

2368 *Vernet to Messrs Dicksons March 22, 1836* in *AGN VII 130 doc.111.* My emphasis. Wild cattle on British islands belonged to the British government. Something Vernet repeatedly failed to understand. He had obtained a *usufruct* (licence) from Buenos Aires in 1824. Vernet had not obtained a similar concession from the British.

"The Dicksons were the first people to be told of Vernet's agreement with Lavalleja, and he still did not tell the British government. ... He also requested an unspecified loan, and as security he offered cattle, horses, cattle hides and sealskins, and "a few houses", which he said he owned at Port Louis. That too was absurd – those houses had been wrecked by the Port Louis murderers in 1833 and knocked about by the weather, and had been uninhabitable till Henry Smith repaired them. Vernet could not claim that any of the value of those houses belonged to him." [2369]

May 7th, from Port Louis, Lieut. Henry Smith sends Rear-Admiral Hamond a full account regarding beef sales and monies paid out in wages. [2370]

May 8th, from Buenos Aires, Luis Vernet again writes to Rear-Admiral Hamond.

> *"I confirm all I have said in my former letters, including the one addressed to the late Sir Michael Seymour, dated July 2nd, 1834 endeavoring to explain how I conceived the establishment of the cattle business at the Falkland Islands on a proper footing, not only to be a matter of private interest, but also of public interest, in as far as it regards the supplying His Britannic Majesty's Ships and others, with refreshment on their voyages round Cape Horn; and also as being a very important preparatory step for future settlements; and that the longer this matter lays neglected, the more difficult will be the re-establishment, because the yet remaining useful elements cannot but fall gradually into total decay."* [2371]

Vernet also informs Hamond that he is struggling to find investors for the re-establishment of his business.

> *"By perseverance however, I have succeeded to make some arrangements, which probably enable me to send to the Island, towards the 1st July next, a hundred new horses and about 20 gauchos; but the means are rather scanty, and therefore… many cows will have to be killed to pay the expenses of the outfit of the present undertaking, unless you would think fit to determine upon affording me some immediate assistance, if it were but one thousand or eight hundred pounds Sterling,.."* [2372]

"Vernet did not inform Rear Admiral Hamond of the Lavalleja connection,.." [2373]

May 20th, from Rio de Janeiro, Rear-Admiral Hamond answers Vernet's most recent letter.[2374]

> *"... I have to acquaint you that your claims and requests have long since been forwarded to the Lords Commissioners of the Admiralty for the Consideration of His Majesty's Government; and on the 11th of May of last year, I informed you of their Lordships direction to me to allow you to remove any of your private property from the Falkland Islands; and I sent you an order for the delivery of such property, on your settlement of any demands upon it by the persons employed in its acquisition, so that they should have no Claim on the British Government.*
>
> *Since that time I have not received any direction on the subject, and it is entirely out of my power to afford you assistance in the way of loan or advance as you desire; for, you will observe, that, whatever may be your Claims or rights, it being notorious that the wild Cattle existed in the Island long before your settlement there, you can have no title to <u>them</u> as a <u>property</u>, on which to offer security for the repayment of Loans or advances. And with regard to your proposed reformation of an establishment*

2369 Pascoe 2020 pp.281-282
2370 *ADM 1/46*
2371 *Vernet to Hamond May 8, 1836* in *ADM I/46*
2372 *ADM 1/46*
2373 Pascoe 2020 p.282
2374 Delivered to Buenos Aires by the packet-boat HMS *Hornet*.

there, I am by no means sure that such a measure will be approved of by His Majesty's Government, whose permission extends only to the removal of any private property you might possess there." [2375]

May 21st, Rear-Admiral Hamond informs the Admiralty of his reply to Vernet, adding; *"I trust I shall soon receive instructions in regard to these Islands; the occupation of which, as at present organised, is neither efficient nor respected."* [2376]

May 31st, from Rio de Janeiro, HMS *Actaeon* sails with instructions to call in at the Falklands.

In Buenos Aires, Minister Hamilton, hearing rumours of General Lavajella's involvement in the proposed expedition, warns Luis Vernet not to trust the General who; *"... could have some sinister intention on the islands in combination with Gov. Rosas..."* [2377]

"In 1836 Luis Vernet, the last Argentine governor in Malvinas, who for a few years tried to defend his interests after the British occupation, proposed to associate himself, for the exploitation of cattle in the islands, to General Juan Antonio Lavalleja. The initiative reported by Argentine historian Ricardo Caillet Bois based on his work on Vernet's correspondence was eventually frustrated, but it included a detail of interest: the English minister in Buenos Aires H. Ch. James Hamilton warned Vernet to be careful with Lavalleja, because he could have some "sinister intention" on the islands, in combination with Governor Rosas ..." [2378]

June 3rd, from Buenos Aires, Luis Vernet writes a letter addressed to Rear-Admiral Hamond's Secretary, Emeric Essex Vidal, aboard the flagship HMS *Dublin;* outlining his plans to send General Lavajella to the Falklands to hunt cattle. [2379]

"Vernet, suspecting that one of his enemies was the author of the distrust evidenced by Hamilton, tried to counteract it,.." [2380]

June 16th, Vernet writes once again to Woodbine Parish in England; *"... saying he was planning to send to the islands "a cargo of horses and some twenty gauchos", and mentioning incidentally that General Lavalleja had proposed such a scheme as far back as 1830..."* [2381]

June 19th, in Tasmania, the *Launceston Advertiser* reports:

"Port Louis, the residence of the colonists, consists of six habitable and 20 ruinous buildings; the Union Jack was displayed at the Lieutenants Residence (Mr. Smith R.N.) .... Coronel (the Gaulica) is the oldest resident, Antonina, an Indian of Salta by birth, is the next, and a German follows her in succession; the children, one about three years old and the other 18 months, were both born on the island; their mother is a negress. Lieutenant Smith acts as physician ..."

June 21st, on receiving Vernet's letter of June 3rd, Vidal promptly shows it to Hamond before responding.

2375 *Hamond to Vernet May 20, 1836* in *ADM 1/46.* Vernet's copy in AGN VII 132 doc.234. See also *Mandeville to Palmerston July 14, 1836* in *FO 6/501.* Original emphasis.

2376 *Hamond to Wood May 21, 1836* in *ADM 1/46*

2377 Caillet-Bois 1982 (6th ed.) p.387 citing *L. Vernet to E. E. Vidal Buenos Aires, June 3, 1836*

2378 Podetti 2013

2379 Vidal held the rank of Purser (Warrant Officer). Why Vernet chose this route is not clear, although it may have been recommended to him by General Rondeau. Perhaps as a means of informing the British as regards General Lavalleja, but without directly telling the Admiral. The letter clearly implies some link between Vernet and Vidal, regarding which no documentation survives. In any event, the approach clearly backfired. A noted artist, Emeric Vidal had visited Buenos Aires in 1816 aboard HMS *Hyacinth*.

2380 Caillet-Bois 1982 (6th ed.) p.387

2381 Pascoe 2022 vol.2 p.470

"I have received your letter of the 3rd instant on the subject of Genl Lavalleja's intended undertaking at the East Falkland and I hope the letter I sent you by the Hornet will have opened your Eyes to the Admiral's view of your position – I have of course made this letter known to him as I can have no secrets from him in any Correspondence relating to Public Business – and he concludes that his official letter sent you at the same time by the Hornet will have put an end to this Scheme - The permission you fancy he gave to continue your speculation you will observe was an answer to an application from Messrs Rostron for the proceeds of Seal Skins your property and related to your returning to the settlement & continuing any Mercantile speculation which is the only speculation mentioned in his letter."

Nothing has been said to him of General Lavalleja and he was astonished when he read your letter.

I am very sorry for your misfortunes, but I assure you it is out of my power to assist you, the more so as the Admiral has desired me to tell you that he does not wish me to hold any private Correspondence on this matter which might lead to misapprehension and misunderstanding. I repeat to you that if you write at once to the British Secretary of State for the Colonies and ask permission to follow up any plans you may state to him, you will adopt the only likely means of Success." [2382]

"Most people would have read that as discouraging, but Vernet felt his plans were going well – he had no conception of the horror Lavalleja's colourful reputation would arouse in London." [2383]

June 29th, in England, the Privy Council Committee for Trade informs the Board of Customs that they are; *"... of opinion, that seal skins imported from the Falkland Islands must be deemed to be imported from a British possession, according to the legal construction of that term."* [2384]

"Those taken by settlers were now also allowed into Britain at the lower rate by an Order-in-Council of 29 June 1836." [2385]

July 3rd, in the USA, at Newport, Rhode Island, William Horton Smyley takes command of a schooner, *Sailor's Return*, and sets out for the South Shetland Islands; accompanied by *Geneva* (Padack). [2386]

July 4th, the *Hampshire Telegraph* reports the arrival in the UK of HM bark *Rapid*.

> *"On leaving the settlement at the Falkland Islands. The residents were all well; and it is generally wished that the British Government would colonise those Islands on a much more extended scale; at present the residents are very few in number, about twenty persons only, including Lieut. Smith and his boat's crew."*

In Buenos Aires, Luis Vernet meets with the new British Minister, John Henry Mandeville. [2387]

"Sometime in early July 1836, (Vernet) called in person on the British Minister in Buenos Aires, ... and described his scheme, including the proposed involvement of General Lavalleja... Vernet also showed Mandeville various papers, evidently including his correspondence with Rear Admiral Hamond; Mandeville's

2382 *Vidal to Vernet June 21, 1836* in *AGN VII 132 doc.235*. Original emphasis.
2383 Pascoe 2020 pp.281-282
2384 *Steel's Ship-Master's Assistant & Owners Manual; containing Information Necessary for Persons connected with Mercantile Affairs...* I. Stikeman 1839 p.16
2385 Dickinson 2007 p.49
2386 There is no clear information as to when, or how, Smyly left the Falklands to return to Newport. *cf.* 1831, 1832, 1854.
2387 Exact date unknown, but before July 9, 1836. Appointed in September 25, 1835, his date of arrival in Buenos Aires currently eludes me.

reaction was distinctly negative, and he warned Vernet not to proceed without the express authority of the British government.. But Vernet was not to be put off ..." [2388]

July 6th, from London, the Lords Commissioners of the Admiralty require Rear-Admiral Hamond to provide information regarding the Falklands. In particular a description of the British establishment there and the nature and extent of the presence of American ships. [2389]

July 9th, in Buenos Aires, undeterred, Vernet writes to Minister Mandeville enclosing papers that the British Minister had declined to accept at their meeting.

> *"... I now send the papers I offered some days ago to Your Excellency for perusal ... These papers contain all the grounds on which I have founded the opinion, that the projected undertaking of sending hence to the East Falkland Island a cargo of horses and some Gauchos, for the purpose of putting my cattle business there on a good train again, will not be opposed by any British authority;...*
>
> *Your excellency will observe that the said business was suffered to continue without interruption after His Britanick Majesty's ship Clio took possession of the island in January 1833, that after this period it received a deadly blow by the assassination of my Agent Matthew Brisbane, his assistants and the headman of the Gauchos /Juan Simon/ from which it is impossible it can recover except for sending to the Island a new supply of horses and Gauchos, hence it follows that I do not pretend to establish a new business, but to place the one actually existing there in an efficient state which otherwise will dwindle away to nothing.*
>
> *In fact it is already so much reduced, that only with great difficulty can the small garrison and the few ships which touch there be supplied with the necessary fresh beef ...*
>
> *As for the lands and other privileges obtained from the Government of Buenos Ayres, I have long since been well aware of the necessity of petitioning the British Government for a confirmation of the same,... "*[2390]

July 12th, Mandeville responds to Vernet by repeating his earlier caution.

> *"... I find in these documents nothing to prevent my adhering to the opinion I expressed to you, ... namely that under no circumstances could you receive my sanction for such an undertaking, and that I should protest against the measure until you had permission from my Government to prosecute it; ... I strongly recommend to you under these circumstances, that you should give up the business, until you receive an answer to the memorial which you tell me you are about to draw up for the purposes of being submitted to His majesty's Government, respecting your return to the Falkland Islands,... "* [2391]

July 14th, Britain's Minister writes to inform Rear-Admiral Hamond of Luis Vernet's intentions

> *"I have to inform you that Mr. Lewis Vernet has acquainted me that it is his intention to return to the Falkland Islands with thirty horses and as many Gauchos for the purpose of killing and taking the wild cattle upon those islands. I have endeavored to dissuade him from the undertaking telling him that I should protest against his going there for the purposes above mentioned, until he had received the permission of His Majesty's Government to do so. Whether he will adopt or decline my advice, I*

2388 Pascoe 2022 vol.2 p.470
2389 *Hamond to Charles Wood Esq. Admiralty September 5, 1836* in *ADM 1/46.* See below.
2390 *Vernet to Mandeville July 9, 1836* in *FO 6/501 fols.187-188*. In full in Pascoe 2022 vol.2 p.471
2391 *Mandeville to Vernet July 12, 1836* in *AGN VII 130 doc.121*

am not able to tell you and under these circumstances I have thought it right to appraise you of the possibility of Mr. Vernet's embarking in this enterprise." [2392]

Mandeville also writes to the British Foreign Secretary, Lord Palmerston.

"M^r^ Lewis Vernet has been with me to acquaint me that it is his intention to return to the East Falkland Islands to look after what he termed his property, the wild cattle and horses which are upon them, - telling me that he had made a contract with General Lavalleya, a man of some notoriety in the Banda Oriental during the Brazilian occupation of that country, and who is now in this town, by which he engages to furnish him with thirty Gauchos and as many horses for the purpose of catching the wild horses and killing the cattle which are upon the island:-... should it turn out to be an advantageous concern, it was not at all unlikely, he said, that the General would follow in person to superintend it. I enquired of M^r^ Vernet if he had permission from His Majesty's Government or from the Admiral commanding on the South American Station to go there... because without such permission, I strongly advised him to give up the undertaking, telling him distinctly that I should not sanction it, and should protest against it until I knew that he was authorised to embark upon it. ..." [2393]

July 16th, Luis Vernet informs Mandeville that he has decided to abandon the venture with Lavalleja.

"I have to acknowledge receipt of the letter Y.E. honoured me with on the 12th instant, and beg leave to assure Y.E., that it is contrary to my principles & entiments to undertake any thing which can give occasion for a protest from Y.E. Therefore, I shall certainly give up the undertaking that I had intended with Gen^l^ Lavalleja. In so doing I make great sacrifice, having ever since the year 1830 been anxiously wishing for his assistance, ... only with the greatest difficulty can a person be found who unites all the necessary qualifications, as he does, for so arduous an undertaking as that of subjecting the wild cattle at the Falklands to a domestic state, and when I do go to the Island, in exercise of the permission I have from the Admiral, which Y.E., has seen, if I take any persons with me, they shall be englishmen. ... [2394]

"... Mr. Hamilton, then British Minister at Buenos Ayres, having roused some objection to this connection (probably from being unacquainted with the usage of those countries, where all persons of every class, high and low, engage in Cattle business) your Memorialist then immediately relinquished the advantage of this affair and declined the connection." [2395]

"It might have been different if he had solemnly declared that all rights and concessions granted to him by Buenos Aires had been invalid, and that he had operated purely as a private individual on British territory. That might have made him less suspect in British eyes, but it would not have moved the British government any closer to undertaking, or permitting, any involvement in the islands." [2396]

July 31st, Minister Mandeville informs London that Vernet has backed down, regarding General Lavalleja. [2397]

August 5th, Vernet asks Mandeville to forward to London a proposal for a colonial establishment at Port Louis.

"The Undersigned respectfully begs leave to draw the attention of the right honorable Lord Viscount Palmerston to the subject not only vitally interesting to himself, but he confidently believes, of some importance to the British nation.

2392 *Mandeville to Hamond July 14, 1836* in *N-CUL-GEN-1 Rear Admiral Hamond Correspondence 1834-1836*
2393 *Mandeville to Palmerston July 14, 1836* in *FO 6/501 fols.182-185.* In full in Pascoe 2022 vol.2 pp.472-473
2394 *Vernet to Mandeville July 16, 1836* in *AGN VII 132 doc.237.* In full in Pascoe 2022 vol.2 p.473
2395 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43*
2396 Pascoe 2020 p.282
2397 *Mandeville to Palmerston July 31, 1836* in *FO 6/501.* In full in Pascoe 2022 vol.2 p.473

Although fully aware that the private grants of lands which the undersigned held under the Argentine Republic, as well as the privileges of the fisheries, and the exemption from taxation granted the Colonists must remain uncertain until HBM[s] Government may be pleased to resolve finally upon the subject: the undersigned trusting implicitly to its equity and generosity has not hesitated to incur new and considerable expense to maintain his private possessions on the East Falkland Island; Establishments which in their nature are intimately connected with public utility and in the maintenance of which, he has met with a series of misfortunes, and has exhausted not only his own means, but considerable portions of the fortunes of his friends.

The object of the present communication … is to solicit the aid and protection of the British Government in promoting the private interests of the undersigned at the Falkland Islands, whilst at the same time it will insure the future prosperity and utility of these now valuable Islands, rendered so by the good fortune, personal exhortations, patience, experience and capital of the undersigned...

It appears to the undersigned as quite necessary that the British Government should be convinced that the maintenance of the establishments he possesses on the East Falkland Island for catching and taming the wild cattle thereon, formed some years since by the undersigned, is , as far as respects those Islands, a matter of infinite importance: that their continuance and increase for the future is what will ultimately constitute the value of the colony, … valuable to the Sovereign to whom they belong and of public utility to all nations …

*Such is the importance of the private interests of the undersigned and such are the objects readyly (sic) obtainable by the aid and protection the undersigned now solicits from HBM[s] Government. … it becomes necessary only to state, that the cattle (originally supplied from the river Plate and subsequently **granted to the undersigned**) in the wild state they are now in, are of no use to anyone... what now could be accomplished with from two to three thousand pounds in a short time, if delay'd will require tenfold the money and time to restore thereafter, …"* [2398]

In his covering letter, Minister Mandeville notes that Luis Vernet; "*… is well fitted for such an undertaking*." [2399]

August 13th, Minister Felipe Arana writes to US Secretary of State John Forsyth with a list of reasons as to why the Confederation's Envoy, promised in 1832, has yet to leave Buenos Aires. [2400]

August 27th, from Rio de Janeiro, Rear-Admiral Hamond writes to Luis Vernet.

"I have to acquaint you that I have received from the Lords Commissioners of the Admiralty a dispatch relative to the occupation of the Falkland islands, wherein the following observations concerning you occur. "With regard to Mr Vernet's claims, as His Majesty's Government consider these Islands to be part of the Dominions of the British Crown, no claim of Property on his part must be admitted, arising from a Grant real or supposed of the Buenos Ayres Government to him of the islands, or any Claim of Fishing or other Seignorial Rights or to the possession of wild Cattle or any other production of the Islands"." [2401]

2398 *Mandeville to Palmerston August 5, 1836* in *AGN VII 130 doc.122.* My emphasis. Vernet's *memorial* in full in Pascoe 2022 vol.2 pp.474-475.

2399 *FO 6/501/196*

2400 Fitte 1966 pp.400-401

2401 *Hamond to Vernet August 27, 1836* in *AGN VII 130, doc.123*. Also Caillet-Bois (6th ed.) 1982 p.388. Vernet's concessions from Buenos Aires, first granted him in 1829, declared null and void. No land, no cattle. Even the *usufruct* (licence) to hunt cattle issued to Pacheco in 1823, was no more.

September 5th, Hamond sends a detailed response to the Admiralty letter of July 6th. [2402]

> *"Paragraph 1. a vessel shall be sent as often as possible to call at Port Louis. The British flag is kept flying there by Lieutenant Smith, with 4 men from the Flag Ship. He has also on the Island some men whom he has permitted to reside there, who employ themselves in catching seals-: they are chiefly I believe men who have left sealing vessels either with or without the Consent of the masters; and, there are 4 gauchos with two women, remaining of Mr. Vernet's old establishment. These Gauchos, with one of the Flag ship's men, … are employed in catching the wild animals which supply the Establishment with meat, and are disposed of to the Sealers and the vessels, that occasionally touch at the port, at a fixed rate;… an account is kept, and the Gauchos are paid out of the proceeds… Lieut: Smith has been joined by his son, a youth of 16 (sic), upon whom he has placed all the trading Character of the concern; and, discreditable to His Majesty's Service as such a proceeding may have been, still I do not see how it was possible for his people to exist there without some such arrangement on his part, in the absence of any other means. Any increase in the establishment therefore, from the Ship, would in my opinion be only an increase of the Evil without any corresponding advantages…*
>
> *Paragraph 3. Mr Vernet has been informed of the decision of His Majesty's Government. He was preparing to send a person in his name to recommence the establishment and to kill Cattle &c., but upon the statement of my views… he abandoned his project.*
>
> *The account of Mr Vernet's private property found at Port Louis on its occupation by Lieut. Smith and his party, consisting of a few hides and seal skins, has been already reported … Mr Vernet has never submitted any Claim to me except by supposing His Majesty's Government would recognise him as the owner of the Buildings, on which he requested an advance of money… I believe there is no other property whatever of Mr. Vernet on the Island. …*
>
> *Mr Vernet has long since been informed that he was at liberty to remove any private property… belonging to him, on his satisfying such Claims as the Gauchos might have on it… but he has not made any attempt of the kind that I am aware of."* [2403]

Hamond goes on to inform the Admiralty that Lieut. Smith had treated the gauchos as Vernet's servants; having kept a record of their produce from the cattle and paying their wages out of the sales of meat and hides; *"… and holding the Balance subject to orders as to its final disposal."* Hamond argues that the gauchos cannot be sent back to South America, as the settlement would not survive without them. Hamond then defends his decision not to replace Smith, arguing that there would be no other volunteer because; *"… it is scarcely possible to imagine a more dreary prospect than that of a residence there … altogether cut off for months…"* Looking to the future, Rear-Admiral Hamond proposes a survey of the islands, to better understand the archipelago.

> *"… and if a surveying ship is employed, she might answer the double purpose of protector and investigator, for 2 or 3 years, in the course of which … more valuable knowledge of these Islands might be obtained… She could visit all the various points and warn off all improper occupants … and if His Majesty's Government thought proper, her Captain might, for the time, be invested with the Title of Governor, and the powers also… subject to such instructions as their Lordships might see fit… as to the extent of license for foreigners to fish for Seals or to form establishments for the boiling the produce of their Whale fishery; for, there is reason to believe that long usage has, in a degree, made the Americans*

2402 *Hamond to Admiralty August 27, 1836* in *ADM 1/46*
2403 *Ibid.* Also *FO 6/501/213*

familiar with these Islands and, doubtless, unwilling to abandon the ground as a fishing station, which may be inferred from their rough treatment of the Buenos Ayres party at Berkeley Sound, by whom their fishing vessels had been molested." [2404]

He notes that the alternative would be to break up the settlement, ship all the gauchos to the mainland, and return to a system of regular visits by a ship-of-war; *"... for asserting the Sovereignty."* Finally, Hamond encloses a copy of a booklet, published by the Provincial Government of Buenos Aires in December 1832, and sent to the US Government. This records the exchanges between the Confederation and US officials over fishing rights. [2405]

October 6th, in London, Lord Palmerston (Foreign Office) writes to Glenelg (Colonial Office).

"... an acknowledgement of this claim of Mr. Vernet would be a tacit admission of the right of the Govt. of Buenos Ayres, by whom the grant to Mr. Vernet was made, to the sovereignty of the Falkland Islands; & it appears therefore to his Lordship that it would be inexpedient to permit Mr. Vernet to carry his scheme into execution." [2406]

October 18th, the Colonial Office, confirming that Lord Glenelg concurs, suggests that Luis Vernet should be told to; *"... desist from violating the property of the British Crown."* [2407]

October 20th, from Buenos Aires, Luis Vernet writes to Rear-Admiral Hamond. [2408]

October 23rd, from Port Louis, Lieut. Smith writes to Rear-Admiral Hamond, enclosing a petition from the settlers; *"... praying foreigners may be prohibited from fishing off the Rocks at the Entrance of that Sound."* [2409]

On the same day, Luis Vernet writes to Hugh Smith to express his satisfaction that the Lieutenant's son had been put in charge of what remains of the cattle business. [2410]

October 25th, from Buenos Aires, Vernet writes yet again to the Rear-Admiral in Rio de Janeiro. [2411]

"... he wrote another long, rambling letter to Sir Graham Hamond on 25 October 1835, expounding his intention to send a cargo of horses and continue his cattle business..." [2412]

October 27th, Vernet writes to Hugh Smith; informing his 'agent' of the Rear-Admiral's letter of August 27th. [2413]

"...I conceive that this will greatly perplex you as my representative, in your future proceedings, especially in as much as on the one hand you can not continue the catching of cattle without a special permission, and on the other hand, who shall catch the necessary cattle for the consumption of the inhabitants & the Garrison and HM's shipping? ... I do not impart instructions, because under my present circumstances it is impossible for me to foresee what will be or is my real position, and I am

2404 *Ibid.* Original emphasis.
2405 *Papers relative to the Origin and Present State of the Questions pending with the United States of America on the subject of the Malvinas (Falkland Islands) laid before the Legislature of Buenos-Ayres by the Government of the Province charged with the direction of the Foreign Relations of the Argentine Republic* in *Gaceta Mercantil* 1832. *cf.* December 1831 and 1832
2406 Draft in *FO 6/501. cf.* December, 1836, January, 1837 & October, 1838.
2407 *Stephen to Stangways October 18, 1836* in *FO 6/501/202*
2408 This letter does not survive, but see November 5, 1836 below.
2409 *Smith to Hamond October 23,* 1836 in *FO 97/35/64. cf.* 1831 & 1837
2410 *Vernet to Hugh Smith October 27, 1836* in *AGN VII, 130, doc.128.*
2411 *Vernet to Hamond October 25, 1836* in *AGN VII, 132, doc.244*
2412 Pascoe 2022 vol.2 p.478
2413 *Vernet to Hugh Smith October 27, 1836* in *AGN VII, 130, doc.130*. In full in Pascoe 2022 vol.2 pp.477-478

certain it is by far too intricate a one for you to act without instructions, as you might innocently and unnecessarily compromise my claims, whatever they may be, and which I am confident will be ultimately settled equitably by the British Govt -…"

"In that letter as in others, Vernet continued to believe that there was a garrison in the islands, but his statement that " you can not continue the catching of cattle without a special permission" was plain silly if he really thought Hugh Smith needed permission from Vernet himself (Smith naturally had permission from the British government)." [2414]

October 30th, from Montevideo, HMS *Cleopatra* (Grey) sails for the Falklands; ordered to conduct a survey.

November 2nd, from London, Britain's Colonial Office inform Minister Mandeville in Buenos Aires that Luis Vernet will not be permitted to resume his beef business or return to the archipelago.

"… from the Permanent Undersecretary of State for War and the Colonies, James Stephen, to the British ambassador in Buenos Aires, John Henry Mandeville, in which Stephen informs Mandeville that any attempt by Vernet "to carry into execution the intention announced by you of ***returning*** *to the Falklands Islands" would not be permitted."* [2415]

November 5th, from Brazil, Hamond responds to Vernet's letter of October 25th, referring him to the British Government; *"In reply to your letter of the 20 Ult … you will perceive I am not at liberty to grant you permission to appropriate to your purposes either the Wild Cattle or any other production of the said islands."*[2416]

November 7th, in Madrid, the Cortes Generales is consulted over recognition of the new American States. Secretary Calatrava tells Spain's Parliament that the revolted colonies wish to be considered independent, and that they desire Spain to renounce; *"all territorial or sovereign right"* over them. Contrary to Spain's existing constitution, the *Cortes* is asked to give its authority. Nine members of the legislature meet to consider the question. [2417]

November 9th, in the Falkland Islands, at Berkeley Sound, Captain George Grey anchors HMS *Cleopatra* near the entrance to Johnson's Harbour.

"… Governor (sic) Smith came on board with his whole garrison, a jolly-boat's crew… I found him a man of about 45, active, and from his appearance giving one a good idea of the healthiness of the climate." [2418]

"On East Falkland, Grey learned that sealers frequented remote shores in search of beef. Near Fannings Habour, he found a quantity of buried salt and some salt beef, and in many places there were heads of bullocks which had been shot. In sum, the illicit activities which had occurred under Vernet continued under British rule." [2419]

From London, unwell, Argentina's Minister Manuel Moreno returns to Buenos Aires; leaving behind George F. Dickson as *charge d'affaires ad interim*. [2420]

2414 Pascoe 2022 vol.2 p.478. Lieut. Smith had the permission from the Admiralty, not his son.
2415 Pascoe 2020 p.280 citing *FO 6/502 fs.205-6.* My emphasis. An unequivocal ban on Vernet's return.
2416 *Hamond to Vernet November 5, 1836* in *AGN VII, 132, doc.247*
2417 *Diario de las Sesiones de Cortes, estamento de ilustres proceres, legislatura de 1835 a 1836* Robertson 1918.
2418 Grey's Journal quoted in Pascoe 2022 vol.2 p.480 citing the Falkland Islands Journal 1969 pp.54-68
2419 Bernhardson 1989 p.216
2420 It would be two years before Moreno returned.

November 10th, at Port Louis, *Cleopatra* anchors. Capt. Grey and his Purser, step ashore.

> *"I landed in Company with the Governor to inspect the state of his little Colony, which is situated overlooking a small basin or inner harbour, the principle house or cottage is that inhabited by Lieut. Smith and among the miserable huts by which it is surrounded looks respectable by comparison; it is white-washed, has a flag staff before it, and looks like some preventive station on the coast of Northumberland. A second cottage also cleanly white-washed is inhabited by the boat's crew … The actual number of inhabitants is, at this moment eighteen and consists of Lieut. Smith, his son (an unpolished cub of eighteen) four of the boat's crew, an old Spanish Gaucho, a French boy of sixteen... an American and three English deserters from Merchant Vessels, an old German, … and three women who have been for some years on the Island. One of them is a Monte Videan, half Indian and is married to the American sailor, the other two are Negroes..."* [2421]

> *"We anchored in Berkeley Sound on the 9th November where the settlement is – It is presided over by Lieut. Smith R.N. Who has with him four men as a boat's crew, the male settlers are in number eighteen, one Spanish woman, two negresses, and two whity-brown children – The colony was abandoned by the Spaniards in 1810 (sic) and resettled by them in 1827 (sic) from which period the women have been there, but all the men save one have been dropped at different times since – The history of the place from 1827 to 1833 is one of suffering and desperation from there not being on the spot sufficient authority to enforce justice, and repress crime – The Spanish woman's first husband was a soldier, he was concerned in a murder and executed at Buenos Ayres – her second was murdered on the island – her third is an American, apparently a decent man. She is a rather good looking woman, does not appear more than thirty, and in bodily and mental qualities is well calculated for the society she lives in – she rides fearlessly over a country as bad as the worst parts of Exmoor …"* [2422]

November 14th, from Rio de Janeiro, Rear-Admiral Hamond answers Vernet's letter of October 25th. [2423]

> *"In reply to your letter of the 25 Ultº I have to acquaint you that I have not authority to grant you permission for importing into the East Falkland a cargo of horses and some English Gauchos as you request; for, I consider that consistently with the orders I have received no Settlers can be admitted there without the express permission of His Majesty's Government. With regard to your property at the Settlement, I informed you more than a year ago that you were at liberty to remove any which belonged to you at the time of Lieutenant Smith's arrival there, on your settling any claims which the gauchos residing there might have on it up to that time. All property acquired there since that Date Lieutenant Smith will have to account for to HM Government. The Horses introduced by you and remaining on the Island at the time of Lieutenant Smith's occupation are of course to be considered as your property, and you may remove them: but, if you prefer it, you may state, for the consideration of HM Government, what you estimate as their value <u>then</u>, so that you may be paid for them; or, what you consider to be a fair remuneration for the use of them in order that HM Government may decide thereon."*

Hamond includes an extract from correspondence received from the Admiralty in London.

> *"Mr Vernet can have no claim to the proceeds of wild Cattle in which he had no property: and his utmost claim must be the value of his private property whatever that may have been when it was taken possession of by Lieutenant Smith, or an allowance for the use of it,if returned to him."*

2421 Grey's Journal quoted in Pascoe 2022 vol.2 pp.480-481
2422 Letter from the Purser, Harger, in *CO78/3*. In full in Pascoe 2022 vol.2. The dates are incorrect. *cf.* 1811, 1828 & 1832
2423 *Hammond to Vernet November 14, 1836* in *AGN VII, 127, doc.46*

"Hamond was becoming irritated by Vernet's constant importunity and his ever-changing projects, but he made him a perfectly reasonable offer, that he could remove his horses, or else state his price for the government's use of them." [2424]

November 20th, *Cleopatra* departs Berkeley Sound, for the western islands.

> *"... I was not able to find a person qualified as Pilot, I therefore took John Dowdle, one of Lieut. Smith's boat's crew, and have found him of great use, in regard to his knowledge of these Islands and Ports..."* [2425]

November 23rd, on the north side of the harbour of Port Egmont, Captain Grey visits Saunders Island.

> *"At the old English Settlement which stood here, nothing now remains beyond the foundations of a few straggling houses, ... The walls of the two small houses which are standing appear of more recent construction, and have probably served as a temporary abode for the crew of some Sealing Vessel, or Whaler. The spot was badly chosen for a Settlement, having a southern aspect, and at the distance of three miles from the Main land of West Falkland; This anchorage is still much frequented by American Vessels. I found marks of the ruins having been recently occupied."* [2426]

"... before eleven o'clock the ship was moored in ten fathoms of water and short half mile from the shore. ***It is impossible to imagine a finer harbour than this, land locked on every side, easy of approach and capable of holding the whole English Navy****. I landed at the head of the creek where there is a most convenient watering place to examine what remained of the old English Settlement.... Of the old Settlement we could discover foundations of what appeared to be a row of barracks and houses built with some regularity of plan, but the Spanish Authorities had endeavoured to destroy all trace of habitations and had not left even the remnant of a wall standing. On a mound covered with a heap of large stones where a small English fort is supposed to have stood, I caused a flag-staff to be raised and a Union Jack to be hoisted with a salute of twenty-one guns which must have astonished the seals and penguins, these being the principal inhabitants."*[2427]

November 27th, in Madrid, the *Committee Concerning Treaties with the New States of America*, reports to Spain's Cortes Generales:

> *"In the opinion of the committee, the honor and dignity of Spain demand that the Cortes should act generously in this important affair, ... The regret of the mother country on separating forever from her American children is natural and well-founded. But that sentiment is transformed into an agreeable emotion of national pride on considering that, during the brief period of three hundred years in which that large family has been ruled by the laws of Spain, its members have reached that stage ...which enables them to take leave of their mother and to begin their career as independent nations...*
>
> *The general Cortes of the Kingdom authorizes the government of her Majesty that – notwithstanding articles 10, 172 and 173 of the political constitution of the monarchy promulgated at Cadiz in the year 1812 – it may conclude treaties of peace and amity with the new states of Spanish America upon the basis of the recognition of their independence and the renunciation of all territorial or sovereign rights on the part of the motherland."* [2428]

2424 Pascoe 2022 vol.2 p.479

2425 Grey's Report to Hammond in *ADM 1/43 (Enclosure to despatch no.25)*

2426 *ADM 1/43. cf.* 1766 & 1780

2427 Quoted in *Extracts from the diary of Admiral the Honourable George Grey* W. H. Thompson 1969. My emphasis. Similar words to those used by Commander Byron in January, 1765. A flagstaff had been raised in December, 1832, by Onslow. Nearly four years later, it had clearly not survived. *cf*. 1780

2428 *Diario de las Sesiones de Cortes, 1836 a 1837, I. Apendice al Numero 40, 1, 2.* Robertson 1918

Badajoz's Deputy declares; *"The emancipation of the Americans is de facto accomplished; nations, like individuals, have their periods of vigor and strength; at present the Americans are in that stage. On our part we should give to their separation a legal character; in order to legitimize what they now possess,.."* [2429]

December 1st, while debating the Cortes committee's conclusions, Miguel Cabrera de Nevares declares that the Spanish-American states are; *"de facto independent",* but, *"to be independent de jure they will owe us."* [2430]

December 3rd, approving the committee's work, Spain's *Cortes* allows for the recognition of an old Spanish-American colony as independent upon an application; and the successful negotiation of a *Treaty of Recognition* in each, and every, case. [2431]

December 5th, in the Falklands, Capt. Grey continues his tour of the western islands

"New Island, revealed the greatest evidence of human activity. There, a dismantled American whaler served as a depot, with a mate in charge of eight men. Several whale boats and barrels of oil were on shore. ..." [2432]

December 7th, in London, the Colonial Office writes to Lord Palmerston at the Foreign Office.

> *"Lord Glenelg ... begs leave to suggest... whether it would not be proper to instruct Mr. Mandeville to intimate to Mr. Vernet, that although the British Government will not object to the removal of his private property from the Falkland Islands, yet that any steps which he may take beyond that object, will be considered as amounting to a trespass on His Majesty's Rights, and will make it incumbent on His Majesty's naval Officers to treat him as an intruder on the property of the Crown."* [2433]

December 9th, in England, an article in *The Times* newspaper highlights the importance of the Falklands as a base for refitting ships. On seeing it, the Argentine Confederation's *charge d'affaires ad interim*, George Dickson, requests information from Lord Palmerston about the reports. Palmerston declines to respond.

December 10th, in the Falklands, Capt. Grey finds an American sealer, *Mongo*, near Beaver Island.

December 11th, Capt. Grey sees the American Schooner, *Eveline* (Storer), in Ship Harbour.

> *"I gained all the information I could from Mr. Stoeer (sic), the Master of this vessel, who appears an intelligent man; he told me that during last year, fifteen American Whalers, came to New Island, many of them having small tenders, and that he has seen as many as ten there at a time, occassionally they go to West Point, Bense Harbour, and the Arch Islands, but that is not often. Ship Harbour being, he considered, their Rendevous. Their Crews vary according to the size of the Vessels, having as many as thirty or thirty-five Men. ... he informed me that the Common Whale was in great abundance, in the bays, and they nearly all completed their cargoes: I have since heard that some of these Vessels get as much as four thousand barrels of oil..."* [2434]

December 16th, in Spain, a decree authorises; "*... the Government of Her Majesty,... to conclude treaties of peace and friendship with the new states of Spanish America on the basis of recognition of independence, and the resignation of all territorial or sovereignty right...*" [2435]

2429 *Ibid.*
2430 *Ibid.*
2431 Spain still hoped to exchange recognition for favourable trade agreements.
2432 Bernhardson 1989 p.216
2433 *Stephen to Backhouse December 7, 1836* in *FO 6/501* Somewhat behind the times, Lord Glenelg also suggested that correspondence with Luis Vernet should cease.
2434 Grey's Report to Hammond in *ADM 1/43 (Enclosure to despatch no.25)*
2435 Pereira 2004

December 17th, in the Falklands, Capt. Grey arrives at Port Edgar, which; *"... has seldom been visited."* [2436]

December 21st, *Cleopatra* sails north through Falklands Sound.

December 26th, in London, Argentina's *charge d'affaires ad interim*, George Dickson, requests information from Lord Palmerston concerning rumours that Britain intends to send a '*Governor*' to the Falklands.

December 31st, Lord Palmerston responds curtly to George Dickson.

> *"... the Falkland islands being a **Possession of the British Crown**, his Lordship does not consider it necessary to give to the Agent of a Foreign State, any information or explanation as to the measures which H.M. Govt. may think fit from time to time to adopt with respect to those Islands."* [2437]

1837 – January 1st, in Buenos Aires, addressing the opening session of the *Legislatura de la Provencia*, Governor Rosas speaks of the province's claim to the Falklands. He tells Representatives that it has not been possible to pursue the claim with London. [2438]

In the Falklands, on the same day, Capt. Grey discovers a small, dismantled, schooner in the San Carlos River – *Chaloupe*.

> *"I had heard before of this vessel as being owned by an American of bad character who went about the Island ostensibly only to kill seals but who also destroyed great numbers of the wild cattle. The vessel was not worth much, but manned by runaway seamen and without any regular papers, I had determined to seize her whenever I might find her and therefore sent a party to break her up next day as we were in want of firewood..."* [2439]

"Some remarks by William Smyley in a letter to Louis Vernet on 24 March 1838 reveal that the "small schooner" broken up by the crew of the Cleopatra in the San Carlos River on 2 January 1837 was none other than Chaloupe, alias Eagle, the shallop built by the Belleville men in 1831 out of the wreckage of their boat Black Prince on Eagle (now Speedwell) Island." [2440]

January 4th, Lord Palmerston writes to Mandeville in Buenos Aires. The Foreign Secretary informs the British Minister that Luis Vernet is allowed travel to Port Louis for the sole purpose of removing his private property.

"... H.M. Govt. are disposed to grant this indulgence to Mr. Vernet, on condition that he shall engage not to remove, at the same time, any native cattle from the Islands." [2441]

January 10th, Rear-Admiral Hamond is promoted to Vice-Admiral.

2436 Grey's Report to Hammond in *ADM 1/43 (Enclosure to despatch no.25)*

2437 *FO 6/501.* Despite ample use of the word 'colony' by almost anyone referring to the Falklands, under British law the Islands were not a colony at this time. The differences between 'Crown Possession' and 'Crown Colony' are not easy to explain. Basically, the rule over a possession is looser in the sense that there is nothing requiring the approval of Parliament. Thereby, Parliament has less of a say. A colony is created by an Act of Parliament and a government's actions are then subject to the limitations of the legislation. Any changes must be submitted for the approval of Parliament. *cf.* 1843 & 1892

2438 *Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910* 1910 vol.1 p.309

2439 Grey's Journal quoted in Pascoe 2022 vol.2 p.484. The American of bad character being William Horton Smyley.

2440 Pascoe 2022 vol.2 p.484

2441 *Palmerston to Mandeville (draft) January 4, 1837* in *FO 6/501*

January 28th, after ten weeks of touring and surveying the Falklands' archipelago, Capt. Grey of *Cleopatra* finalises his report. [2442] Grey also presents Lieut. Smith with written instructions.

> *"Should Mr. Vernet return to the island, you will explain to him, that no person can reside there without the permission of the British Government, which, moreover, recognises in him no right or title whatever to the Wild Cattle, the Fisheries, or to any grant, or concession, purporting to have been made by any Foreign State in his favour, not to privileges of any kind whatever, according to him solely the power to take away moveable property that belonged to him, at the time of your arrival."* [2443]

"He (Capt. George Grey) thinks that Lieutenant Smith's conduct, considering all the difficulties he has had to struggle with, has not been derogatory to the Character of an officer;.." [2444]

January 31st, from Port Louis, HMS *Cleopatra* sails for Rio de Janeiro.

March 9th, from HMS *Dublin* in Rio harbour, Vice-Admiral Hamond writes to inform London that, following receipt of Capt. Grey's report; *"... it appears, he considers that the Islands are likely to form a very useful Station, as regards communication with the Pacific,.."*. He adds that; *"... the Settlement at Berkeley Sound, is by no means the most desirable station, either as a Port or as affording advantages for settlers, which are much greater at Fanning's Harbour on East Falkland and in other ports on all the Islands."*

Hamond recommends that Lieut. Smith, who he accepts has done well in difficult circumstances, should be removed as his maintenance of the settlement does not command sufficient respect. [2445]

> *"... any officer sent to replace Lieutenant Smith, could not act otherwise than <u>He</u> has been acting in regard to supplying the wants of his men;.."*

The Vice-Admiral goes on to suggest that any replacement should have some familiarity with harsh conditions and be allowed to have their families with them; necessitating improvements to the accommodation.

> *"I have given orders to Lieutenant Smith, not to grant permission for any <u>foreigner</u> to reside on the Islands other than those already there; and to warn all those now resident, as well as any British Subject to whom he may henceforward allow a temporary residence, that they must not expect thereby to acquire any permanent right or privilege on the islands."* [2446]

March 11th, in England, with HMS *Sparrow* ready to sail to the Falklands, the Lords Commissioners of the Admiralty request instructions from Lord Palmerston and Lord Glenelg.

> *"The commander of the Sparrow might be furnished with this Vol of State Papers (1832-1833), and also with the inclosed copy of our correspondence with M. Moreno in 1833, and he might be instructed to let the seal Fishery be carried on as it has been hitherto by foreign nations, but to do what he can to maintain order and to to prevent the wanton destruction of Seals."* [2447]

March 24th, in Montevideo, Luis Vernet attempts to prevent an American ship, *Elizabeth*, from sailing.[2448]

2442 *ADM 1/43 (Enclosure to despatch no.25)*
2443 *Grey to Smith January 28, 1837* in *ADM 1/49.* Canclini (2014) gives the date as June 28, 1837
2444 *Hamond to Wood March 9, 1837* in *ADM 1/49*
2445 *Ibid*.
2446 *Ibid.* Original emphasis
2447 Draft letter (unsigned) in *FO 95/35/46*
2448 Silas Burrows had been a part-owner of the sealing ship, *Superior,* in 1831.

"When I first heard of Mr. Burrows' arrival at Montevideo, I heard also of his late failure in the United States, and of course considering him therefore a poor man I was in no hurry to go there and prosecute him; but hearing afterwards that the Elizabeth and her cargo were his property, I hastened thither, and knowing the slippery personage I had to deal with, I immediately got himself and the vessel detained; and in order not to expose him to unnecessary delays, I proposed to leave the decision of my claim to two respectable merchants whom we might think proper to appoint as arbitrators." [2449]

"On 24 March 1837 he (Vernet) wrote to the US Consul in Montevideo, John Patrick, saying that if his claims could not be settled "man to man", they would have to be settled by court arbitration." [2450]

March 25th, during the night, *Elizabeth*, offered protection by HMS *Fly*, sails, but without retrieving it's *Register*; held by the port authority. [2451]

"Unfortunately however, the Captain of the Port at Montevideo, had not such an unfavourable opinion of Mr. Burrows as I had, and therefore thought it superfluous to take any effective measures for the detention of his vessel, of which has been seen Mr. Burrows took advantage,..." [2452]

In the morning, seeing that *Elizabeth* has sailed, Luis Vernet pens a letter to the Hamburg Consul-General at Rio de Janeiro, August Frederick Biesterfeld, asking him to watch for the arrival of the American ship. [2453]

> *"Mr Silas Burrows owner, and, as it is said, Captain of the Barque Elisabeth (sic) of New York, ran away last night from this port, with the barque, after having been judicially detained for the purpose of answering a claim which I instituted against him for breach of an agreement on the part of the master of the schooner Superior of New York, Stephen Congar, said Burrows being owner, who in consequence of this breach of agreement, got possession, ever since the year 1832, of property to a considerable amount, which by right belonged to me, and as I am a native of Hamburg ... I ask for your assistance in case said Burrows should appear at Rio de Janeiro... My claim without interest of damages amounts to 27000 Dollars, as the approximate equivalent compensation for nonfulfilment of agreement..."* [2454]

"However, I shall sooner or later prosecute Mr. Burrows before his own country's courts, provided he will stand trial there and does not adopt some other clandestine measure to evade it." [2455]

In Buenos Aires, Minister John Henry Mandeville writes to Vernet. [2456]

> *"I have received instructions from Viscount Palmerston to acquaint you, that His Majesty's Government do not object to Your proceeding to the Falkland Islands for the purpose of taking away the private property which you may originally have deposited in those islands, upon condition, that you do not remove at the same time any of the native cattle from the islands.- and I am further instructed to inform you that any steps which you may take beyond the removal of your private property will be considered as amounting to a trespass on His Majesty's rights, and will*

2449 Letter from Luis Vernet published in the *British Packet & Argentine News* October 14, 1837 in *FO 6/501/254*. Vernet continued to believe that he had a claim against both *Superior* and its owners. *cf.* 1831 & 1832. See below.

2450 Pascoe 2022 vol.2 p.486

2451 *Army & Navy Chronicle v*ol.4 p.325.

2452 Luis Vernet published in the *British Packet & Argentine News* October 14, 1837 in *FO 6/501/254.* See below

2453 Luis Vernet was originally of Hamburg stock, although he variously claimed many allegiances. Hence his tendency to to use Luis, Lewis, Louis or Ludwig as the need arose.

2454 *Vernet to Biesterfield March 25, 1837* in *AGN VII, 132, doc.256 fols.1-2.* Spanish Dollars not US $.

2455 Letter from Luis Vernet published in the *British Packet & Argentine News* October 14, 1837 in *FO 6/501/254*. This followed one from Burrows published in the *New York Times* on May 26, 1837, in which he gave details of *Elizabeth's* flight from Montevideo. Vernet never attempted to prosecute Burrows in the US. *cf*. 1831, 1832, 1835, 1839 & 1869.

2456 In pursuing Burrows, Vernet had missed a meeting with Minister Mandeville. Vernet wrote apologising that same day.

make it imcumbent on His majesty's Naval Officers to treat you as an intruder on the property of the Crown." [2457]

April 4th, from Rio de Janeiro, Vice-Admiral Hamond writes to London, enclosing the settler's petition from October, 1836, requesting a prohibition of fishing in Berkeley Sound.

"I have to acquaint you, for their Lordships information, that, in the present state of the Settlement, I do not consider a prohibition of the fishing those Rocks, can lead to any thing but disputes and complaints, as there is not either force or means to make such prohibition respected by the Sealers frequenting the place; and the few persons who now reside at the Settlement, are there only by permission of Lieutenant Smith, and, I have reason to believe, are chiefly foreigners calling themselves Englishmen, just as long only as it may suit their convenience, in order to enjoy the advantages of fishing..." [2458]

April 9th, following a meeting in Montevideo, the indefatigable Luis Vernet writes to Samuel Fisher Lafone setting out a proposal to capture wild cattle on East Falkland Island. [2459]

April 11th, Lafone receives a draft contract from Luis Vernet detailing a cattle business "*speculation*" in the Falkland Islands. To be negotiated, finalised and signed within a month. [2460]

"It proposed the foundation of an "Association" in England by Lafone: Vernet and Lafone were each to pay one third of all remuneration, commissions, etc., to the other party, and all profits were to be shared equally, one third for Lafone, one third for Vernet, and one third for "Mr Lafone's friends in England", with the important proviso that this was not to affect Vernet's rights to the wild cattle." [2461]

April 25th, from Montevideo, Luis Vernet writes a long letter for the attention of Vice-Admiral Hamond.

"With regard to my stating for the consideration of H.B.M's Government what I consider a fair compensation for the value of or for the use of my horses during my absence, I had it not in my power to avail myself of your kind indication to that effect while any of my said applications were pending; but now, that this is no longer the case, I shall forthwith avail myself thereof. ... Taking all the expences together, the surviving horses existing on the Island when my agent (capt. Brisbane) was assassinated, sixty five in number, cost me nearly One hundred pounds sterling each – When Lieut Smith took possession of my horses in Jany 1834, their number, according to a letter I have received of him, amounted to from fifty to sixty, say sixty five." [2462]

"In other word he would accept £5,500 as a purchase price for the horses. As regards the government's request that he should put a figure on what he considered "a fair remuneration for the use of them" as an alternative mode of payment, he said the only precedent for the hire of horses in the islands, as far as he knew, was the fee of one Spanish dollar per day which (he says) Lieutenant Smith had charged during the search for Lieutenant Harmer in October 1834. He did not work out how much that would come to, but it would have been about

2457 *Mandeville to Vernet March 25, 1837* in *FO 6/501*. Also Vernet's copy in *AGN VII, 130 doc.143*

2458 *Hamond to Charles Wood (Admiralty) April 4, 1837* in *FO 97/35/64.* Original emphasis

2459 Lafone, a previous resident of Buenos Aires 1825-1832 (born Liverpool), had moved to Uruguay following a problem with the Buenos Airean legal system which did not approve of Protestants marrying Catholics (see June 28, 1832). It is not clear whether Vernet had known Lafone before April, 1837, but it would seem likely as both were cattle ranchers, and both were of French Huguenot stock.

2460 *CO 78/43.*

2461 Pascoe 2022 vol.2 p.488. Vernet clearly still had not grasped that he had no rights to the wild cattle.

2462 *Vernet to Hamond April 25, 1837* in *AGN VII, 132, doc.258*. Original emphasis.

£14,300 … He still did not express his claims in a single clear figure, which puzzled Lord Glenelg when the letter arrived in Britain in August." [2463]

May 19th, at Spithead, in England, HM ketch *Sparrow*, destined for the Falkland Islands, is delayed, awaiting; *"… despatches from the Colonial Office relative to the future government of the Falkland Islands."* [2464]

May 20th, in Buenos Aires, Vernet receives a copy of the draft contract from Lafone; re-written to give the Uruguayan businessman 50% of the profits. [2465]

> *"… new Draft of contract altered so much in his own favor that Your Memorialist could not reasonably consent to it."* [2466]

May 22nd, in Argentina, General Carlos María de Alvear is re-appointed as the Confederation's Minister to the USA. His instructions are specific:

> *"(1) to promote the most satisfactory reparation for the insults inflicted upon Argentine sovereignty by Duncan's destruction of Vernet's colony, by his capture of innocent persons and their removal to foreign lands, and by Slacum's lack of respect for Argentine authority; (2) to promote reparation to the Argentine Republic, Vernet, and the colonists for all damages caused by Duncan's aggression; and (3) to clarify and defend Argentine rights to the Falklands and to fisheries along their coasts."*[2467]

"He was urged that the claims related to the first of the specified matters should be sustained "with all firmness and dignity." In such a way that if he did not obtain "sufficient satisfaction", he would refrain from considering the other questions, returning to Buenos Aires." [2468]

Luis Vernet provides General de Alvear with a report on the events of 1831. [2469]

June 6th, in London, Lord Palmerston sends instructions for HM ketch *Sparrow*, which is still waiting to sail.

> *"… the commander of the "Sparrow" should be informed, that the Falkland Islands being a possession of H.M. Crown, he is to prevent, as far as the force under his command will enable him to do so, all encroachments on those Islands, on the part of the subjects or citizens of any foreign State, and that in case of need, he should apply for additional aid to the naval Officer commanding on the South American station, who should be instructed to afford such aid when applied for.*
>
> *Lord Palmerston would further suggest, that the officer in command of the "Sparrow" should be instructed to encourage British Subjects to settle in the Falkland Islands, and that he should be desired to protect the wild Cattle, and to introduce useful vegetables,…"* [2470]

June 9th, at Port Louis, Lieut. Smith sets out a list of foreign vessels hunting in the bays around the archipelago. He notes that at New Island are American ships – *Medena, Shebboleth, Friends, General William, Mercury, Iris, Forahontas, Hisper, Columbus, Henry, Magellan, Howard, Montgomery* and *Pacific*.

2463 Pascoe 2022 vol.2 p.491
2464 *Salisbury & Winchester Journal* Monday May 22, 1837
2465 *Lafone to Vernet May 20, 1837* in *AGN VII, 132, doc.253*. In full in Pascoe 2022 vol.2 pp.488-489
2466 *Memorial 2, September 6, 1852*. *cf.* 1852
2467 *AGN, BA, S1-A1-A1- num 5.* Quoted in Peterson 1964
2468 Caillet-Bois 1982 (6th ed.) p.371. Alvear still did not depart Buenos Aires until May, 1838.
2469 *Breves observaciones sobre los daños y perjuicios ocasionados por la destruccion de la colonia en las Islas Malvinas por el Comandante de la Corveta de los Estados Unidos Lexington en 31 de Diciembre de 1831* Luis Vernet 1832
2470 *FO 97/35/56*

Elsewhere around the islands, 15 other American ships are recorded together with 2 French and one unknown.[2471] Smith complains that the crews of certain American ships – *Eveline* (Storer), *Sailors Return* (Smyley) and *Pacific* – have killed bullocks for their hides; contrary to the prohibition notices previously given them.

Sailors Return (Smyley) is noted as being at the Arch Islands. [2472]

An American sealer, burns in the harbour of Port Egmont; *"Capt Carews Ship took fire with Seven hundredd barrels of oil and burnt Intirely up in port Egmont Last June."* [2473]

June 20th, Britain's King William IV dies at Windsor. Victoria ascends the throne.

At Port Louis, a child is born to Carmelita Penny. Named Ricardo (Richard) after his father. [2474]

"At 1851 census (he) is apprenticed. He had a position equivalent to that of chief of police and when he died he was a jailer and a vigilante of the court, drowning in a naval accident..." [2475]

July 5th, in London, the petition from the Port Louis settlers praying for a prohibition of fishing by foreign vessels having been laid before Lord Palmerston, it is noted:

> *"... every State has the right to prevent the Vessels of Foreign Nations from fishing within 3 miles of the shore of any territory which belongs to it de jure, and which it occupies de facto, unless by a long acquiescence it can be held to have waived its own rights and to have allowed Foreigners to acquire a prescriptive enjoyment of the Fishery. In the case of the Falkland Islands, Great Britain claims and has asserted a right de jure to the Territory, but she has hitherto very imperfectly occupied those Islands, and even the force now about to be sent thither is probably not sufficient to carry very fully into execution any strict prohibition against Foreign Fishermen.*
>
> *It appears, however, desirable that no time should be lost in asserting in principle at least, with respect to the Falkland Islands those usual rights of sovereignty which the Law of Nations acknowledges, though it may be prudent not, in the first instance, to declare interdictions which the local force may not be capable of carrying into effect.*
>
> *The most prudent course therefore would seem to be that the Officer in command should warn foreign Sealers who come to fish within the territorial limits that they are Trespassers, and that he may have instructions to prevent them from returning thither another Season; But that he should be desired not to take any forcible measures against such fishermen, and not even desire them at once to depart, until he shall have received specific instructions to the contrary."* [2476]

July 24th, from Buenos Aires, Luis Vernet writes to William Horton Smyley who is now at Montevideo.

2471 *Smith to Hamond June 9, 1837* in *FO 97/35/76*

2472 William Horton Smyley could not have remained long at the Arch Islands, as he was in Montevideo some three weeks later. It is not stated, but there is evidence that Smith had spoken to Smyley at Port Louis around this time. Smith appears to have given Smyley a message for Luis Vernet, to say that he was still holding a large number of seal skins in Vernet's name. See July 24, 1837, below.

2473 *Smyley to Vernet March 4, 1838* in *AGN VII, 132, doc.273*. In full in Pascoe 2022 vol.2 pp.509-510. Capt. Daniel Carew, in 1831, had commanded *Breakwater.*

2474 As were her other children, Jose Simon and Manuel Coronel jnr.

2475 Cirio 2019 p.9

2476 *W. Fox-Strangways to Admiralty (draft) July 5, 1837* in *FO 97/35/66*

"Sir, George P. Tornquist Esq of Montevideo informed me on his arrival here that you had communicated to him a message that the Lieut commanding the Falkland Islands had given you for me, regarding his holding there at my disposal some seal skins, oxhides and money … but Mr Tornquist not being able to state the message satisfactorily, I will be much obliged to you to state to me in answer to this letter precisely what the message was..." [2477]

July 28th, in London, the Colonial Office writes to the Foreign Office.

"Lord Glenelg has directed me to request you will state to Lord Palmerston that he is disposed to support for his Lordship's consideration whether it might be expedient to enter into any further discussion with the Republic of Buenos Ayres touching the rights of the British Crown to the Falkland Islands. The explanations which have already been tendered by the British Government of the grounds on which the rights in question are grounded, were undoubtedly due to the Republic, as the Party more immediately affected by the measures which have been pursued for asserting the Sovereignty of the Crown to the Falkland Islands –

But Lord Glenelg is inclined to think, that unless the ancient pretensions of Spain, never admitted by this Country, to the exclusive possession of the Magellanic Regions, have become vested in Republic by the facts of its transformation from a dependency of the Spanish Monarchy into an Independent State, ***it might be with the court of Madrid alone*** *that the British Government could properly consent to discuss the question of the Sovereignty of the Falkland Islands."* [2478]

July 29th, from Brazil, William Hunter, US *charge d'affaires* in Rio de Janeiro, writes to US Secretary of State, John Forsyth, regarding the new Argentine Minister - General Carlos María de Alvear.

"*The mission to the United States from Buenos Ayres is doubtless for the purpose of reviving the old affair of the Falkland Islands, …. In connection with this case that of the Pantheon has come to my notice. The Captain Adams was obliged to leave Monte Video without his papers, being pursued by Vernet for sealing on 'one of his' islands..."* [2479]

From Montevideo, on the same day, William Smyley responds to Luis Vernet's letter of the 24th.

"Concerning your propperty (sic) at the Islands I know but little about, but Mr. Smith Told me, that all the propperty That he found here on his arrival he had taken care of for you, and also the bullocks that he killed he was to account to you for, he Said he had a number of Seal Skins, Which I see Some time a go that was there when Captain Brisbane was alive. … The horses is in good order but I cannot Say how many there is, and so is the buildings." [2480]

August 4th, in London, Palmerston forwards to Glenelg; *"... an application from Mr. Vernet for compensation for the loss which he has sustained by the removal of his settlement from the East Falkland island."* [2481]

"Vernet's letter to Vice-Admiral Sir Graham Hamond of 25 April 1837, plus copies of the relevant correspondence from the Admiralty and the Foreign Office, were laid by James Stephen, Undersecretary of State at the Colonial Office, before Colonial Secretary Lord Glenelg in early August 1837. However, Glenelg did not find Vernet's letter illuminating..." [2482]

2477 *Vernet to Smyley July 24, 1837* in *AGN VII 132/261*
2478 *Stephen to Strangeways July 28, 1837* in *FO 6/501/238.* My emphasis.
2479 As yet I can find no more information about Capt. Adams or the *Pantheon*. However, see March 24, 1837, above
2480 *Smyley to Vernet July 29, 1837* in *AGN VII 132/262*
2481 *FO 6/501 fol.245*
2482 Pascoe 2022 vol.2 p.493

August 10th, the Colonial Office responds to the Foreign Office.

> *"On this application Lord Glenelg has directed me to request you state to Viscount Palmerston that his Lordship has not been able to ascertain from a perusal of Mr. Vernet's letter, either that this gentleman has sustained any loss in respect of which he has a valid claim to compensation from His Majesty's Government, or what is the nature and amount of the loss for which he seeks to be compensated."* [2483]

A copy of this letter is sent to Vice-Admiral Hamond, for onward transmission to Luis Vernet. [2484]

October 6th, in Buenos Aires, on receipt of the news of William IV's death, Governor Rosas orders three days of mourning. Minister Mandeville delivers a letter from Queen Victoria and refers to; *"... the friendly relations and good understanding which so happily subsist between the two countries;.."*

The official response from '*the Government charged with the Foreign Affairs of the Argentine Confederation*' announces; *"I rejoice likewise that Your Excellency has obtained from the said august Queen, the honorable confidence of drawing closer the ties of friendship and good understanding which so happily exist between both nations."* [2485]

October 13th, from Rio de Janeiro, Vice-Admiral Hamond sends Smith's record of foreign ships at the Falklands, to the Admiralty. [2486]

October 29th, at Rio de Janeiro, Vice-Admiral Hamond formulates very specific orders for Lieut. Lowcay. [2487]

> *"1. On your arrival at Berkeley Sound, you are to lose no time in communicating with Lieutenant Smith, and ascertaining the State of the Settlement there.*
>
> *2. You will endeavour to find a person properly qualified as a pilot for the Falklands generally,...* [2488]
>
> *3. You will proceed with the Pilot as your guide ... and examine the different points of this Group of Islands, which are the resort of Sealers and Whalers, visiting each ... Leaving Lieutenant Smith directions to superintend the Settlement during your absence.*
>
> *4. During this examination you will make notes on the following points. 1st The best harbours, and the most noted fishing Stations... 2nd The means of establishment offered at these several harbours or Stations... 3rd The produce of these Ports and Stations, as regards the fisheries, the Wild Cattle, the plants or other productions of the Soil.*
>
> *5. During your visit to any of these Ports or Stations you are to hoist, while you remain at anchor, on a Flag Staff on the Shore, the English Union Jack, and are to warn all persons you may find there, that no establishment on shore can be allowed without the sanction of Her Majesty's Government but you are not to remove by force any persons who may be located there, nor to offer them any violence or offence beyond the warning above mentioned, with the admonition that their stay there, is only by sufferance... Should the flag of any other Power be hoisted on the Shore you are to require in writing that the person*

2483 *Stephen to Strangeways August 10, 1837* in *FO 6/501 fol.238*

2484 Vernet responded on November 28, 1837 with another long, rambling letter, that provided no more information on what he was claiming than that submitted in April, 1837. The British Government wanted an overall, final, figure. Luis Vernet was either unwilling, or unable, to provide one.

2485 *British Packet & Argentine News* October 14, 1837

2486 *Hamond to Wood October 13, 1837* in *FO 97/35 fol.72*

2487 Copy in *ADM 1/50*. In full in Pascoe 2022 vol.2 pp.496-498. Hamond's letter to the Admiralty of October 30, 1837 (below) implies that instructions had been received from the Lords Commissioners for a full survey and report regarding the state of the Falkland Islands. The letter from the Admiralty does not appear to have survived.

2488 Detailed instructions followed as regarded remuneration.

in charge of it shall haul it down, and you are to hoist the British Flag… deeming it proper to assert in the strongest manner the Sovereign right of Her Majesty to these Islands… Should such however, be refused, it will become your duty to give the person in charge of the Foreign Flag a notice in writing, that you will be compelled by his refusal, to strike that flag yourself, and you are hereby authorised to do so...

6. You are to take careful note of the nature and extent of any establishment you may find on shore, and to make as full a report thereon as possible.

7. You will endeavour to ascertain the number of Vessels and their Crews resorting annually to the islands, and at what particular seasons, distinguishing the Nations they belong to, and the Rendezvous they generally adopt, as well as their employment whether as Sealers or Whalers.

8. There being reason to believe that the United States Whalers frequent the Islands at the West end of the Group, particularly Swan Island, New Island, Hope Harbour, &c, these Islands &c, should be thoroughly examined and the above directions with regard to warning Settlers &c are to be carefully attended to ...informing them that you do not wish to obstruct their fishing, but simply to assert the rights of Her Majesty over these Islands, and to require that these Rights be respected, … suffering however, no Foreign Flag to fly on shore there during your presence.

9. The 2d Master is at all times to do his best to take Surveys...

10. You will at all times keep your Vessel and Boats as complete and ready for Sea Service, as circumstances will permit …

11. …[2489]

12. You will give warning to the different Vessels you meet, that the British Government have given positive orders, that the Cattle, horses, and wild animals on the Islands, be protected by every means, stating also to them, that, upon application to the Resident at Berkeley Sound, Fresh Beef and Bullocks will be supplied at reasonable prices, but, that all trespassers will be proceeded against in a summary manner, on proof shewn that they have acted in violation of the said Government Orders."

October 30th, Vice-Admiral Hamond informs the Admiralty of his instructions to Lowcay. [2490]

" … I have given the additional Instructions, of which I inclose a Copy for their Lordships' information; directing him when the Sparrow's Bread shall be reduced to three Weeks, to return here in her, for fresh Supplies; - this appearing to me, both the readiest and best mode of obtaining from him the Report ordered by their Lordships, on which I am to decide on the removal of Lieutenant Smith; and the most desirable in many points of view, with regard to ascertaining and providing for the wants of the Settlement, when Lieutenant Lowcay shall finally take charge of it.

On the subject of their Lordship's Orders to him, I deem it my duty, with reference to the paragraph directing him to warn off foreign Sealers and forbid their return another Season, to call their Lordship's particular attention to the Claims put forth by the United States Government through their Charge d'Affairs[2491] *at Buenos Ayres to an Absolute Right to fish within the territorial Limits of the unsettled parts of these Islands, as well as to the use of the Shore; and even to such right, although the*

2489 Returns to the question of remuneration for a pilot or other person.
2490 *Hamond to Wood October 30, 1837* in *ADM 1/50*. Also Caillet-Boise (6th ed.) 1982 p.397. In full in Pasce 2022 vol.2
2491 A reference to US *charge d'affairs* Francis Baylies. See 1832

parts may subsequently become settled, - on the ground of more than half a century of undisputed practices. … [2492]

Now, as it is certain, that the American Sealers, will under these circumstances, disregard such warning as is contemplated by their Lordships' Orders, and the Commander of the Sparrow, will, as therein directed, then look to the Commander in Chief for orders how to act; I request their Lordships will be pleased to take this matter into consideration and inform me what orders I am to give on this subject: for, in the face of the authorities cited by the American Minister, and on view of the claim asserted by him, as with the authority of his Government, it appears to me the Commander in Chief would hardly be justified in resorting to force to protect the territorial Limits of the <u>unsettled</u> Shores themselves, without <u>formal</u> authority to that effect:- and if he be no so empowered, the reference of the Lieutenant to him, can be productive of nothing, but increased contempt on the part of the offenders, for the authority intended to be established." [2493]

Hamond refers to the booklet he forwarded with his report of September 5th, 1836 – specifically highlighting the express argument that; *"… warnings to individuals is considered of no weight or avail unless notice be first given <u>directly</u> to the Government of the States whose subjects or Citizens it is intended to interdict from their accustomed practices by the Government desiring to prevent its continuance."* [2494]

November 3rd, from Rio de Janeiro, HMS *Sparrow* sails for Port Louis.

Hamond's letter of October 13th arrives in London. An opinion is sought from the Foreign Office.

November 30th, at the Falkland Islands, Lieut. Robert Lowcay arrives at the settlement of Port Louis; *"… after a long and tedious passage, accomplished with heavy gales and winds…"* [2495]

"Landed at the Settlement, found Lieut[t] Smith, one seaman of his Boat's crew, a German tailor, French gardener, three women and three children at the Settlement, the others being absent sealing the rocks to the Southward. Received from Lieut[t] Smith Copies of the public orders and letters, under which he at present acts; communicated to him my orders, and that he was to place himself with his boat's crew under my command." [2496]

December 1st, in London, the Foreign Office respond to the Admiralty request for an opinion as regards foreign vessels taking seals at the Falkland Islands.

"Lord Palmerston directs me to acquaint you, … that he is of opinion that when there is a force at the Falkland Islands adequate to prevent the Depredations complained of, the Americans should be requested to desist, and if they persevere in such Practices they should be prevented. But his Lordship thinks that it would not be proper or expedient to interfere with them so long as they only resort to the Islands for Shelter and refreshment." [2497]

2492 In September, 1836, Hamond had sent a copy of the exchanges between Baylies and the Confederation's Foreign Ministry (as published by Buenos Aires in December of 1832) to the Lords Commissioners of the Admiralty. Here, Hamond indicated which pages of that document required the Admiralty's attention.

2493 Original emphasis.

2494 *ADM 1/50. cf.* 1832 & September, 1836

2495 *Lowcay to Hamond February 4, 1838* in *ADM 1/51*

2496 Lowcay's Journal in *ADM 1/51*. Pascoe (2022 vol.2 p.499 fn.1) notes that much of the journal was published, by Andrew David in the *Falkland Islands Journal 1977* pp.10-20

2497 *Fox-Strangways to Barrow December 1, 1837* in *FO 957/35/80. cf.* 1854

December 5th, in Berkeley Sound, Lowcay speaks to the captain of an arriving French whaler, *Le Perseverance*.

> *"Her Britannic Majesty's Government, deeming it proper to assert in the strongest manner the Sovereign right of Her Britannic Majesty to the Falkland Islands, and every State having the right to prevent the Vessels of Foreign Nations from fishing within three miles of the shore of any Territory, which belongs to it de jure, and which it occupies de facto; I have received orders to acquaint the Commanders of all Foreign Vessels, found sealing or fishing within three miles of the shore of these said Islands, that they are Trespassers, and that they will not be permitted to return to the Falklands next season. I do not, however, wish to obstruct your fishing at present, but simply to assert the right of Her Majesty over these Islands; and I have requested that these rights be not infringed by yourself or any of the Crew under your command. I have also to acquaint you that the British Government have given positive orders that the Cattle, Horses and Wild Animals on these Islands are protected by every means. Should you require Fresh Beef, Bullocks, etc., they can be obtained on application to the Resident at Port Louis, Berkeley Sound, at reasonable prices; but that all trespassers will be proceeded against in the most summary manner on proof shown that they have acted in violation of the said Government orders."* [2498]

December 7th, at Port Louis, Lowcay gathers the male settlers together for an oath.

> *"We, the undersigned, being settlers at Port Louis, Berkeley Sound, East Falkland Island, are willing to conform to all such orders and directions, as may from time to time be promulgated by the Government of Great Britain, the Comm in Chief or the Station or by the Officer in Charge of the Settlement for the better regulation thereof, and the Islands generally."* [2499]

The *undersigned*, are: Charles Melville, Joseph Lee, Richard Penny, Carl Kussler, Thomas Brown, Sidney Gough Patrick Kyle, Domink Moffitt, Charles Ringbach, Charles Frisch, Joaquim Manoel, Manuel Coronel.

"By that time Pascuel Diez and Santiago López, two of the three gauchos from Louis Vernet's establishment, had left the islands; exactly when is not recorded... There were several women at Port Louis: Carmelita Parry, Gregoria Madrid (who had both been in the islands in Vernet's time) and Antonina Roxa, and also Carmelita's three young children... but like Onslow in 1833, Lowcay did not list them – women and children were not "settlers", and nor were Henry Smith, Smith's son Hugh and Lowcay himself, so Lowcay did not list them either." [2500]

December 9th, with Charles Melville employed as Pilot, Lowcay sails from Berkeley Sound in HMS *Sparrow* - bound for the western islands. [2501]

December 10th, at Fannings Harbour (San Carlos Water), Lowcay comes a cross a brigantine, *Eagle*, tender to a whaler *Richard*. Complying with his orders, Lowcay gives the warnings as regards sealing around the Islands and 'fishing' (whaling) within three miles.

December 16th, HMS *Sparrow* arrives in the harbour of Port Egmont. Lowcay lands at Saunders Island, to the north of the harbour; *"In the afternoon I proceeded to visit the remains of the old English Settlement, the houses*

2498 Lowcay's Journal in *ADM 1/51*. For fishing, read 'whaling'.

2499 In full in Pascoe 2022 vol.2 Appendix B.3 p.756. Kohen & Rodriguez (2016) suggest that the gauchos were forced to swear an oath of allegiance by the threat of being expelled from the islands; but offer no evidence in support of this. *cf.* 1841

2500 Pascoe 2022 vol.2 p.501. Carmelita Parry, was now Carmelita Penny.

2501 Melville had been Coxswain of Lieut. Henry Smith's original Boat Crew in 1834.

(of which the ruins of the walls are only at present visible) were fourteen in number, with a basin, intended apparently for securing their boats." [2502]

December 18th, at New Island, Lieut. Lowcay anchors.

"... found lying here an American Schooner, tender to the General Williams, (absent whaling) with two men onboard, and an old American Barque, the Hesper, in Charge of a Mate and Boy." [2503]

December 19th, Lowcay speaks to those aboard *Hesper,* providing them with the British warning regarding sealing and fishing within three miles. He also leaves similar information for the *General Williams* when she returns.[2504] Lowcay notes that *Hesper* (*"this old vessel"*) has been moored at New Island for 3 years acting as a depot and supply ship for those whalers belong to *"a Mr Burrows"*. [2505]

December 21st, HMS *Sparrow* moves on to Beaver Island.

December 27th, in Buenos Aires, Governor Rosas addresses the opening of the *Legislatura de la Provencia*.

> *"The question with Great Britain, regarding the unexpected occupation of the Malvinas Islands, remains in the same state that was announced to you last year. The justice of the Confederation's claims impose a strict duty not to abandon them. Negotiation will continue its course when there is an opportunity..."* [2506]

Rosas also announces the appointment of a Minister Extraordinary for Washington, obliged; *"... to fulfil the sacred duty energetically remonstrated against the violent and atrocious conduct of the sloop of war Lexington at the Falkland Islands,..."* [2507]

December 30th, arriving back in Berkeley Sound, Lieut. Lowcay speaks to the commander of a whaling ship, *John Cockrill* (Walsh), whose crew are suffering from scurvy; *"... communicated to him the orders of the Government."* [2508]

December 31st, Lieut. Lowcay returns to Port Louis.

> *"... are now estimated, the Cattle from 15 to 20,000, the horses from 5 to 10,000 Head... The Settlers this season have been very successful, having taken about 500 skins. The number of Settlers at present at Port Louis, consists of 18 men, 3 women and 3 children; Lt Smith, his son and Boat's Crew.*
>
> *The Gauchos at present employed in catching the Wild Cattle are a French Boy, Lieut[t] Smith's son, and one of the Boat's crew, but these are not sufficient, and it is probable will quit the Island with Lieut[t] Smith; it will therefore be requisite to obtain others from Monte Video. I fancy however, it will be difficult to induce them to come unless the Officer in charge of the Settlement will guarantee their being found in provisions, Necessaries &c. The Gardens planted by Lieut[t] Smith are in a flourishing state, and I have no doubt, will furnish a fine crop of Potatoes, Onions, &c,&c,the lettuces were abundant, and very fine, but sufficient vegetables are not grown to supply Ships in any quantities.*

2502 Lowcay's Journal in *ADM 1/51*

2503 *Ibid.*

2504 *General Williams* was listed as an off-shore whaling ship, under the command of John Holdridge out of New London; returning to its home port in August, 1838, following a 2 year voyage hunting for Sperm Whale.

2505 Lowcay's Journal in *ADM 1/51. Hesper* was a rather worn out supply ship. See also Gough 1990

2506 *Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910* 1910 vol.1 p.346. Reported in London's *Evening Chronicle April 9, 1838*

2507 *Evening Mail* Wednesday April 25 1838

2508 Lowcay's Journal in *ADM 1/51*. Identified as French, but given the ship's, and captain's name, this may not be accurate.

Settlers, who would at first make up their minds to suffer a little hardship, would, in a few years, make money; for instance, the present settlers, who have all come here, since Lieut[t] Smith's arrival without a sixpence in their pocket, now possess two fine Schooners, and are making money rapidly.

There are at present, 260 Head of Tame Cattle at the Settlement, 54 wild for present use, and between 7 and 800 dry and salted Hides." [2509]

1838 – January 3rd, from Buenos Aires, Minister John Mandeville writes to Lord Palmerston with regard to Governor Rosas' message to the *Legislatura*.

> *"It adverts to the worn out question of the Falkland Islands, and declaims as usual upon the injustice of its occupation by Great Britain – without, I believe, receiving much sympathy or support from the public, except the very few persons who have speculated on an establishment there. It will make an annual paragraph in the message until the subject dies of exhaustion,.."*

January 11th, in England, the *London Evening Standard* reports*:*

> *"We perceive by a requisition lately prepared, signed by many influential merchants and shipowners of London and other ports, that a public meeting is shortly to be called for the purpose of taking steps to colonise these islands. We are glad that public enterprise has been at last directed towards those valuable and long neglected islands. We regard their colonisation as an object of great importance. ..."*[2510]

January 17th, at Port Louis, a French settler – Isidore Carvenceque – commits suicide by a shot to the head.

> *"We found the deceased lying on his back, with the top part of his head from under the lip, blown to atoms, with the Gun resting on his breast. He had been convicted of petty theft the evening before by Lieutenant Smith, and was not seen from that time until the body was found by the gauchos on their way out to the Camp."* [2511]

January 24th, at New Island, French whaler, *Perseverance,* is wrecked.

January 26th, at Port Louis, aware that HMS *Sparrow* is due to return to Rio de Janeiro, Henry Smith hands a letter to Lieut. Lowcay, for delivery to Admiral Hamond. Smith requests a court-martial with regard to the suggestion that he had brought disgrace to the flag by "*trading*." Letters from settlers petition for the right to fly the British ensign from the schooner *Montgomery* when sailing to foreign ports, such as Rio de Janeiro, Buenos Aires and Montevideo. [2512]

2509 *Ibid.* Painting by Lieut. Lowcay circa 1837
2510 *London Evening Standard* Thursday January 11, 1838 citing *The Times*
2511 Lowcay's Journal in *ADM 1/51*
2512 The petition listed John Barnes, Richard Penny, Francis Henry Penny and Achille Guillagme Gillerae as the owners.

"I would certainly suggest that Licenses may be granted to enable these Vessels to sail under English colours between the Falkland Islands and the Ports mentioned, provided that they shall be owned and navigated entirely by British subjects." [2513]

There is also a request for a quantity of salt, sufficient to preserve 800 hides.

January 31st, further settlers gather to sign the oath prepared by Lieut. Lowcay.

"We, the undersigned, being settlers at Port Louis, Berkeley Sound, East Falkland Island, are willing to conform to all such orders and directions, as may from time to time be promulgated by the Government of Great Britain, the Comm in Chief or the Station or by the Officer in Charge of the Settlement for the better regulation thereof, and the Islands generally."

Signing are: John Barnes, Henry Amott, John Campbell, Louis Despreaux, Alexander Rosignol, Francis Parry and John Hancock.

February 2nd, in London, in receipt of the Vice-Admiral's letter of November 30th, 1837, the Admiralty writes to the Foreign Office seeking clarification regarding sealing and fishing operations in the Falklands. [2514]

At Port Louis, another settler signs the oath prepared by Lieut. Lowcay - Pierre Gillerack.

"In February 1838 there were around 30 people residing at Port Louis." [2515]

February 4th, from Berkeley Sound, HMS *Sparrow* sails, in accordance with Vice-Admiral Hamond's orders; *"... there being only three weeks bread on board."*

American sealer, *Sailor's Return* (Smyley) also leaves the archipelago, sailing for Montevideo.

February 19th, at Rio de Janeiro, Lieut. Lowcay anchors at the British Station. [2516]

"The present inhabitants will not remain, unless they have some encouragement in grants of land, etc., nor is there at present any inducement for others to come, as, even the houses they live in, are not their own; this is, I believe, a principle reason why there has been no cultivation of the ground, in gardens, etc., as they are liable to be ejected at a moment. I would strongly suggest the propriety of the Government ordering small grants of land to each Settler with permission to catch and tame a certain number of Wild Cattle for their own use, as, in a place like the Falklands, every encouragement should be given to Settlers." [2517]

Lowcay is instructed to return to Port Louis, carrying orders for a change of command.

"I have ordered Lieutenant Smith to deliver up, and Lieutenant Lowcay to take charge of the settlement at Port Louis on the 31st March next,.." [2518]

February 20th, from Buenos Aires, hearing that William Smyley is at Montevideo, Luis Vernet pens a letter.

"... I wish you would have the kindness to communicate to me any thing you may know or have heard regarding the quantity and condition of the ox hides and fur seal skins which the son of the Lieut has in

2513 *Hamond to Charles Wood (Admiralty) February 24, 1838* in *ADM 1/51*
2514 *FO 6/501/256. cf.* October, 1837
2515 Pascoe 2022 vol.2 p.501
2516 *ADM 1/51.* The return passage of only 16 days was notable. It had taken Lowcay nearly a month to get to the Islands.
2517 *Ibid*
2518 *Ibid*

his possession for my account as my agent. I wish to know this in order to judge whether it is worth the expence (sic) of freighting a vessel for the purpose of bringing this property to Montevideo... No vessel having come direct from the Settlement I have not had any letters from the Lieu[t] nor from his son this very long time. ...” [2519]

February 23rd, from Rio de Janeiro, Vice-Admiral Hamond writes to the Admiralty in London to inform them that he has declined Lieut. Henry Smith's request for a disciplinary hearing.

February 24th, from Montevideo, William Smyley responds to Vernet's letter.

“ Sir – ... Before I left, the boat's crew that formily (sic) belonged to Mr Smith came on board of me and brought some clothes they told me that the Admiral had wrote to Mr Smith that he was agent for the British Government & not for Mr Vernet but I understood from Mr Smith himself that all that was taken either seal or hides was credited to you. There is been a great many cattle Killed and the beef sold by himself and his son, now his son does all the tracing that is done on the Island.

Sir - as I have not been at the settlement lately I cannot say what amount of property they have at present...

Mr Smith's son acted as your agent when he came there first & I cannot say but he does yet but Mr Smith is to be called home in 2 or 3 months from this and a Lieutenant by the name of Loucay (sic) is to take his place so I would advise you to see into your affaires as soon as possible. ... Mr Smith has had chances enough to write to you if he choosed but I think he would neather (sic) not see you as he expects to be called home shorty (sic) so the quicker you see into it the better.” [2520]

February 26th, Hamond informs the Admiralty that Lieut. Lowcay will touch at Montevideo on his return voyage to the Islands, in an attempt to persuade three more gauchos to go to Port Louis.

February 28th, in London, Lord Palmerston responds to the Lords Commissioners of the Admiralty:

“His Lordship directs me to state in reply, ... that an ambiguity of expression in my letter of 5th July 1837, seems to have occasioned on the part of the Board of Admiralty a misconception of the meaning it was intended to convey.- Lord Palmerston meant that the Lieu[t] commanding at the Falkland Islands should inform the Foreign Fishermen that they are trespassers, and that he should also tell them that <u>it is possible that he may at a future time</u> receive instructions to prevent them from returning; but Lord Palmerston did not intend that such instructions should at present be given to that Officer.-

Lord Palmerston directs me to add that, on the whole, considering the state of our relations with the United States, and the inexpediency of starting unnecessarily any topic of discussion between the two Gov[ts], considering that American Sealers have for some years past habitually resorted to those Islands in considerable numbers, and considering also that our present occupation of those Islands is extremely limited in extent, and is made more for the purpose of asserting our Right of Sovereignty than with any immediate view to an effective & complete settlement, the best course to be pursued seems to be, to instruct the Lieu[t] not to go out of his way in search of Sealers, and not to consider it part of his duty to keep them off, but in any intercourse he may have with any of them, to take an opportunity of stating to them, that though G[t] Britain for her own convenience has for some time past,

2519 *Vernet to Smyley February 20, 1838* in *AGN VII, 132, doc.269*. In full in Pascoe 2022 vol.2 p.507.

2520 *Smyley to Vernet Fevruary 24, 1838* in *AGN VII, 132, doc.281*. In full in Pascoe 2022 vol.2 p.508. Remarkably well informed.

withdrawn her garrison from those Islands, She has now determined to occupy them again, and that her reoccupation of them will of course be attended with the full assertion of all the rights which by the Law of Nations attach to Sovereignty, and among those rights must be considered the exclusive use of the Shores and of the Waters within the limits of territorial jurisdiction.-

But the Officer should state that he has hitherto not received any instructions, to make to Foreign Fishers, any communication on that head, except to remind them as above stated, and to remark to them, that their resort to the Falklands is permissive and not of right." [2521]

"Palmerston's desire for a kid-glove approach to the American sealers led to an absurd expectation – he expected the Lieutenant in charge to say to the hard-bitten American sealers something along the lines of: "I have not received any instructions to make any communication except to remark to you that your resort to the Falklands is permissive and not of right"... Palmerston's policy was to let sleeping dogs lie and to leave the Americans in peace. Such a policy would have stood Louis Vernet in good stead." [2522]

March 1st, from Buenos Aires, Luis Vernet writes to William Smyley in Montevideo expressing his surprise at the friendly nature of Smyley's letter of February 24th, noting that; *"it has been said I treated you and your countrymen very ill at the Falklands"*. [2523]

March 2nd, at Port Louis, another settler signs the oath prepared by Lieut. Lowcay - Frederick Pearce.

March 4th, from Montevideo, William Smyley writes to Luis Vernet, informing him, among other things, of the death of Capt. Stephen Congar in Fannings Harbour whilst commanding a schooner, *Alonzo*. Also, that he has heard that Capt. Daniel Carew had died in the US.[2524]

HMS *Sparrow* arrives at Montevideo. Lieut. Lowcay is seeking three gauchos for employment at Port Louis.

March 14th, hearing that Lowcay is at Montevideo, Luis Vernet writes to him to ask what, if any, of his property survives at the Port Louis settlement and whether the rumour that Henry Smith is to depart the Islands is true.[2525]

March 15th, from Montevideo, Lieut. Lowcay immediately responds to Vernet's letter.

"... I beg to acquaint you that upon my arrival at the Falklands Lieut. Smith will return to England.. I do not know what you mean about Property of yours upon the Islands, I know of none,- nor do I believe there is any but I know however that there are in the hands of Settlers a large Amount of Promissory Notes in your hand, for Which no Value can be rec'd – but Sir, if you think you have any claim for the recovery of moveable Property, you must apply in the proper quarter." [2526]

"... on this occasion your Memorialist wrote to Lieut: Lowcay to request the particulars of his property then existing on the Island, to which Lieut: Lowcay, to the surprise of your Memorialist, answered that he did not know of any property of your Memorialist being on the Island;..." [2527]

2521 *Fox-Strangeways to Wood February 28, 1838* in *FO 6/501 fols 290-293*
2522 Pascoe 2022 vol.2 p.506
2523 *Vernet to Smyley March 1, 1938* in *AGN VII, 132, doc.272*. For the complicated relationship between Vernet and Smyley, see 1831. Smyley would, eventually, attempt to take Vernet to court regarding the treatment meted out to him.
2524 *Smyley to Vernet March 4, 1838* in *AGN VII, 132, doc.273*. In full in Pascoe 2022 vol.2 pp.509-510. *cf.* 1831
2525 *Vernet to Lowcay March 14, 1838* in the Jane Cameron National Archive at Port Stanley. In full in Pascoe 2022 vol.2 p.510
2526 *Lowcay to Vernet March 15, 1838* in *AGN VII, 130, doc.139*
2527 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43*

March 24th, from Montevideo, William Smyley writes again to Luis Vernet.

> *"There is scearce (sic) a Day goes over head but I have some dispute or another about the Islands with the English … Whilst I was gone to the Shetlands last year the ship Cleopatra was at the Falklands and tore the shallop up & took the salt that I had left their (sic). They blame you for stopping the sealers but see how soon they have taken the same rout or nor the same for it is a greadeal worse & is growing so every day now we are forbid to seal, whale or to Kill Eliphant and will soon be prohibited of going their at all & for the Lieut that is their he is a drunken proud Covitous man."* [2528]

March 30th, at Port Louis, Pascuel Recano, James McGuire and Jose Espino sign the loyal oath.

March 31st, Lieut. Lowcay takes over as Resident Naval Officer for the Falkland Islands.

"Until the year 1838 … my private property was respected, and Lieutenant Smith, who initially functioned as the English commandant, and later his son, regarded themselves, in respect of the still existing establishment for the catching of cattle, and as regards the still existing buildings and stores, merely as my agents, a relationship which repeatedly received the factual recognition of the British authorities. However, once Lieutenant Smith had been replaced by Lieutenant Locay (sic) in 1838, the latter communicated to me that it was nowhere possible to take note of private property which remained to me on the islands." [2529]

"… Smith, and his son later, kept Vernet's cattle business going. This lasted until Lieut. Lowcay took over … It is from then that Vernet dated the final loss of his business and property in the Falklands." [2530]

"Lowcay does not record Smith's reaction, but he must have felt he was being sacked from a job he had carried out with energy and commitment. … Thanks to Smith's energetic leadership, the buildings at Port Louis were now habitable and weatherproof; peace and order prevailed, there were 350 head of tame cattle, and 850 cattle-hides had been sold." [2531]

April 15th, American sealer *Derby* is wrecked at the Falklands.

At Port Louis, Lieut. Lowcay notifies sealers of his intention to impose restrictions.

> *"The British government having taken possession of the whole of these islands, it is their direction that all foreign vessels are not to fish or seal around or near. You are hearby (sic) warned to leave the coast as soon as possible. After the 1st day of June 1838, all vessels found here or at any other part will be proceeded against, being regarded as trespassers."* [2532]

"As with previous orders, this one was also ignored. One vessel Charles Adams (Capt. Carew) from Stonington, was wrecked when defying the order and Corvo (Capt. Beck), also of Stonington, succeeded in obtaining 1200 barrels of Elephant seal oil" [2533]

April 21st, from Buenos Aires, the US Consul notifies Washington DC that the envoy, General Alvear, is finally ready to depart for the United States. [2534]

2528 *AGN VII, 132 doc.275.* In full in Pascoe 2022 vol.2. Smyley had a unique approach to spelling. *cf.* 1849

2529 *Vernet to the Hamburg Senate February 18, 1853* in Pascoe 2022 vol.2.

2530 Peter J. Pepper in Tatham (ed.) 2008 p.545

2531 Pascoe 2022 vol.2 pp.499-500. Four years at Port Louis was probably viewed, even by Smith, as enough. His time there did him no harm, as Henry Smith reached the rank of Captain in 1846.

2532 Quoted in Dickinson 2007 p.50 citing *Shipping and Commercial List and New York Price Current (1838)*

2533 *Ibid.*

2534 Alvear's mission had originally been promised in 1832. Delayed by a lack of funds, followed by illness, Alvear was reappointed in 1837. The reason for this final delay is not known.

May 9th, at Port Louis, Antonina Roxa divorces the American sailor, Kenny. The first divorce in the Falklands.[2535]

May 31st, William Shute signs the oath of loyalty.

In **July**, in England, a prospectus is published promoting the colonisation of the Falklands.

> *"The objects contemplated by this association... are, to form a colony on the most easterly of the islands, the unusual facilities and advantages of which are demonstrated... to create in the magnificent and secure harbours of Berkeley Sound and Fort William that important national object - a naval and commercial depot for the shelter and repair of the numerous vessels now navigating the South Seas; to erect an establishment for supplying fresh and cured provisions, naval stores, water, fuel, and other requisites; to select parties properly qualified for carrying into effect extensive and most valuable fisheries, cattle farms, &c., for all of which nature has here prepared everything ready for the industry of man, with the superiority of important adjacent markets."* [2536]

"It is clear, that, if the Falkland Islands are ever to be colonized, it can only be successfully done by a public company, under a royal charter,... an association was formed, to which one hundred gentlemen subscribed their names and money, entered into correspondence with the Colonial Office,.. Although amongst the subscribers were some professional gentlemen, yet, the drafting of the proposed charter was confined to the joint-solicitors and counsel, which led us to the conviction, that no such powers could be legally delegated without previous authority, duly sanctioned and conferred by special act of parliament; the Colonial Office then possessing no jurisdiction whatsoever, the crown-occupation of the islands being a coup-d'état, worked under the Foreign Office and the Admiralty..." [2537]

July 9th, from Falmouth, England, *Arrow* sails for the Falklands with seeds, agricultural implements and two bloodhounds. [2538]

July 11th, from Rio de Janeiro, Lieut. Smith responds to enquiries made by Luis Vernet via various contacts.

"... his answer communicated to me by my said correspondents, under date of 11th July, 1838... was, that there was not at present the slightest probability of anything being restored to me, in consequence of the British Govt. having taken entire possession of the Islands that he had been at an immense expense in making improvements there. That he was on his way to England, in order to make a report to the Admiralty and that he proposed returning as soon as he conveniently could." [2539]

July 30th, at Port Louis, a daughter, Angela Antonina, is born to José and Natividad Espino. [2540]

August 15th, from London, instructions are despatched to the Navy commander at Rio de Janeiro.

> *"... intimate in the most distinct manner to Mr. Vernet that if he should persist in declining to remove his moveable property from the Falkland Islands, he must impute to himself any deterioration which that property may sustain and that under no circumstances will HM's Govt. consent to become responsible for the preservation of such Property or for any damage which may be done to it."* [2541]

2535 Pascoe 2022 vol.2 p.481 fn.1. Kenny was, apparently, unwilling as he refused to sign the Deed of Separation.
2536 *The Colonist (Sydney)* July 21, 1838 citing *The Morning Herald*
2537 George Whitington in *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845* vol.2 p.307
2538 *Some Account of the Falkland Islands, from a six month residence 1838* Laughlan Bellingham Mackinnon 1839
2539 *Vernet to Sullivan August 29, 1839* in *CO 78/43*
2540 Their date of arrival in the Islands, is not recorded, but before March 30, 1838. See above.
2541 *CO 78/43*

August 26th, in the US, news reports circulate:

> *"We find reported in the New York Papers of the 26th ult.:-*
>
> *"The Falkland Islands – A day or two since we spoke of the claim of the British government to the Falkland Islands, accident has thrown in our way a report of a law case, tried by the United States Circuit Court at Boston, where the plaintiffs claimed of the Suffolk Insurance Company a total loss of the schooner Harriet, seized by Louis Vernet, acting governor of the Falkland islands, under the authority of Buenos Ayres. One point of defence set up was that Vernet was rightfully governor of the Falkland Islands, and had a right to order off the vessels and to seize them for disobedience, and that they were consequently lost by the plaintiff's own fault. Judge Story, in delivering his opinion, considered, in the first place, the question whether Vernet was rightfully Governor of the Falkland Islands. The government of Buenos Ayres insisted that these islands constituted a part of its dominions, and that it had sole jurisdiction to regulate and prohibit the seal fishery, and to punish any violation of its laws by a confiscation of the vessel and property engaged therein.*
>
> *On the other hand the American government insists that the claim of Buenos Ayres is not good, and that the seal fishery at the Falklands is a trade free and lawful to the citizens of the United States. The controversy was still undisposed of by the two governments, each maintaining its own claims. In the state of diplomacy between the two countries, it was not in his opinion, competent for this court to examine and decide the question, but we must take the claim insisted on by our government as correct.*
>
> *Now, before the revolution in South America, the Falkland Islands were, if they were under the positive dominion of any power, a dependency of Spain under the vice-royalty of La Plata. When Buenos Ayres separated from Spain, its government was recognised by the United States, but not its title to these islands, and the court must still consider them as belonging to Spain. If, then, Buenos Ayres had no title to these islands, the seizure of this vessel was a gross usurpation – the judgment of its tribunal a mere nullity – and therefore the plaintiff was entitled to recover for a total loss in the case of the Harriet.*
>
> *If the American government insists that the seal fishery at the Falkland Islands is a free trade against the pretensions of Buenos Ayres, what ground must it take against the grasping monopoly of Great Britain?"* [2542]

September 12th, in England, the *London Evening Standard* reports:

> *"The New London Gazette contains a copy of a letter addressed to the master of the ship General Williams, of (New York), by Captain W. J. Scott, master of HBM ketch Sparrow, and Governor of the Malvenas (sic), stating that the British government has taken possession of the whole of the Falkland Islands, and that all foreign vessels are prohibited fishing or sealing round or near them. The General Williams and her tender were warned to leave the coast as soon as possible, and informed that all foreign vessels found at any of the ports of the island after the 1st of June, 1838, would be proceeded against as trespassers."* [2543]

September 13th, at Port Louis, Joseph Addyman signs the oath prepared by Lieut. Lowcay. [2544]

September 15th, Lowcay confirms that Joseph Addyman owns a house; "*N.W. From Settlement House*".

2542 *The Shipping & Mercantile Gazette* Saturday September 15, 1838
2543 The date of the *New London Gazette* letter was not given.
2544 Joseph Addyman gave his place of origin as Leeds, England. *cf.* 1831

September 18th, Frederick Pearce marries Petrona Gonzales.

September 23rd, a daughter, Matilda Amelia, is born to newly-weds Frederick and Petrona Pearce. [2545]

October 14th, HM ketch *Arrow* (Bartholomew James Sulivan) arrives at Port Louis; *"... it only consisted of two small houses, in one of which lived the governor, Lieut. Lowcay, and three or four mud huts, occupied by three gauchos and their families."* [2546]

October 22nd, Lieut. Lowcay confirms that Prudentianna Massima Joster, Charlotte Bayze and Charles Melville own a house; *"W.S.W. or thereabouts."*

October 24th, in New York, Argentina's representative, General de Alvear, requests an interview.

October 27th, from Rio de Janeiro, Commodore Thomas Ball Sulivan writes to Luis Vernet:

> *"I am directed by my Lords commissioners of the admiralty. To inform you in the most distinct manner that if you should persist in declining to remove your moveable property from the Falkland Islands, you must impute to yourself any deterioration which that property may sustain, and that under no circumstances will Her Majesty's Govt consent to become responsible for the preservation of such property, or for any damage which may be done to it."* [2547]

In Washington DC, on the same day, General Alvear has an interview with Acting Secretary of State Aaron Vail. Presenting his credentials, Alvear makes no mention of the USS *Lexington*. [2548]

November 9th, at Port Louis, Lieut. Lowcay authorises Gibraltarians Pascual and Angela Recano, together with Andrez Pitaluga, to rebuild and live in one of the houses near the settlement. [2549]

"As a young man Andrez migrated down through South America, via Montevideo, with fellow Gibraltarians Pascal and Angela Recano, arriving for the first time in the Islands in November 1838. (Port Louis records show Lt Lowcay of HM Ketch Sparrow giving them permission to rebuild an old ruined house in the settlement.)." [2550]

Lowcay also notes that a Frenchman Pierre Achille Guillerac is living in a; *"Valley heading about S.W. From Settlement House."* [2551]

November 21st, in Buenos Aires, due to return to London after recovering from his illness, Manuel Moreno is instructed by General Rosas to; *"insist on the claim whenever there is an opportunity."* However, Moreno should also subtly inquire whether the British Government would be disposed to cancel the Barings' Bank debt in exchange for the Argentine Confederation dropping its claim to the archipelago. [2552]

2545 Matilda Pearce died October 15, 1838 aged three weeks and two days.

2546 Mackinnon 1839, p.17. Mackinnon was mate aboard *Arrow.* Sullivan's father, Thomas Ball Sulivan, commanded the British station at Rio de Janeiro. Two houses and three mud huts for some thirty residents?

2547 *Sulivan to Vernet October 27, 1838* in Pascoe 2022 vol.2 p.515 citing the Jane Cameron Archive at Stanley.

2548 Caillet-Bois 1982 (6th ed.) p.371

2549 Apparently, Angela Recano was related to Natividad Espino (sisters?). That would suggest their arrival was with the Espinos. Before March 30, 1838. See above.

2550 *The first Pitaluga to arrive in the Falklands:1838* in *MercoPress* February 1, 2012 citing an original article by Nicholas Pitaluga. Pascoe (2022 vol.2 pp.515-516) suggests that the 16 year-old Pitaluga had arrived some time earlier in 1838. Andrez Pitaliga would sire 10 children during his life in the Falkland islands. Pitaluga's remain there today (2025).

2551 Arrival not recorded.

2552 The provincial Government of Buenos Aires had taken out a loan from Barings Bank of London in 1824, but defaulted on that loan in 1828. *cf.* 1824, 1828 & 1842

"... the offering of Las Malvinas in return for the loan of 1824 and interest was a proposal made exclusively to the representative of the bankers and never, neither in 1838 nor in 1842 was such a proposal made to the British government;..." [2553]

"The instruction ... was purely informative, but there is no sign that Moreno addressed the issue. Professor Ferns says that there is no(thing) in the archives of the Foreign Office indicating that someone had proposed to the British government a swap of the Falklands, in exchange for outstanding debt." [2554]

"The indisputable sovereignty of the islands became a mere marketable article in the hands of the Dictator." [2555]

November 25th, in Berkeley Sound, *Wave*, commanded by Capt. Edward Goldsmith, anchors. [2556]

At South Georgia, *Mary Ann*, out of Rhode Island, hunts seals. Mate John Anderson is buried in Prince Olav Harbour. *Medina* (Capt. Elijah Hallett), out of New York, also hunts at South Georgia. [2557]

In **December**, in London, Ambassador Manuel Moreno arrives on *Spider*.

"It is not clear quite what enquiries Moreno made to the British Government. But Moreno reported that the main problem was that Britain simply did not accept the Argentine sovereignty claim;..." [2558]

December 26th, from Buenos Aires, Minister Arana writes to historians in Europe in an attempt to discover more regarding the Anglo-Spanish dispute of 1770 and 1771.

"Minister Arana, interpreting Rosas ' wishes, began an active and secret correspondence with several correspondents in Europe in order to obtain from the Spanish archives the necessary documentation to continue the discussion. Thus arises, from the aforementioned correspondence, the name of Andrés María O'Brien, to whom Francisco C. Belaustegui asked (for) extracts of official documentation between English and Spanish during the reign of George III and related to the possession of the Falkland islands." [2559]

In Rio de Janeiro, on the same day, Commodore Sulivan pens another letter to Luis Vernet, noting that a request for compensation for the use of Vernet's horses on East Falkland Island; *"... cannot be complied with."* [2560]

December 27th, in Buenos Aires, Governor Rosas addresses the opening of *Legislatura de la Provencia*.

> *"There has been no circumstance worthy of your knowledge on the question with Great Britain on the occupation of the Malvinas Islands. The Government will insist upon the rights of the Republic to this territory, with the just titles upon which this claim is based."* [2561]

"In the message to the Legislature of 1839 it was reported that Manuel Moreno had been received in London with kindness and honor, and added: "The government, did not abandon their just rights to the territory of the Falkland Islands, or desist from claiming them"..." [2562]

2553 Rozas 1948
2554 *Historia de la Argentina: Gobierno de Rosas – Su Caida Hacia Un Nuevo Regimen (1840-1852)* Vincente D. Sierra 1978 vol.1 p.247
2555 Caillet-Bois 1982 (6th ed.) p.361
2556 Departed from Holbart on October 18, 1838.
2557 Dickinson 2007 p.67
2558 Peter Pepper in Tatham (ed.) 2008 p.391
2559 Caillet-Bois 1982 (6th ed.) pp.361-362. I can find no further information regarding either of those named.
2560 *Sulivan to Vernet December 26, 1838* in *AGN VII, 132, doc.284*
2561 *Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910* 1910 vol.1 p.378
2562 Sierra 1978 vol.1

1839 – January 14th, in Washington, Carlos Alvear speaks to Secretary Forsyth regarding the events of 1831.

"General Alvear explained to the Secretary of State that he was specially commissioned by his Government to draw the attention of the United States to the conduct of Silas Duncan, Commanders of corvette of war Lexington, on the 31st of December, 1831 in the Falkland Islands, …

Mr. Forsyth said, after a few minutes pause: You do not know General that we long ago approved the conduct of Commander Duncan?

Gen. Alvear – No Sir, I did not know.

Mr. Forsyth – Well, yes, we have approved it, but we have not had the slightest intention or desire to do the slightest outrage to its government or the Argentine Nation.

Gen. Alvear – The Minister will allow me to observe that it is not possible for me to understand how the events of Commander Duncan can be approved, without importing the most complete insult to the authority of the Argentine Government.

Mr. Forsyth – I will tell you: the Commander saw that the American ships were captured and detained in the Falkland Islands: he saw that Vernet had committed the most heinous acts of piracy: he knew that the Argentine Government had no means to quickly avoid this evil; and then he prevented it, destroying the place where these events were committed; and you see, General, that in this was done what is done when a house is burning, whose owner is not in it, and that it is necessary to put out the fire, so that it does not communicate to the other (houses); in which case the door is knocked down without asking permission, to cut the fire; without insult, because I can prove to you that the Government of the United States, in approving the conduct of the Commander, has not even remotely intended to do any kind of wrong to the Argentine Government.

Gen. Alvear – The Minister will allow me to say that the comparison of the burning of a house does not seem to me to have any analogy with the fact of the Falklands;… Commander Duncan has acted in violation of the law of nations and the principles established in civilized peoples, for which it is not admissible, nor can it be admitted that a Commander of a warship is authorized by itself to execute such acts, even in the case that he believed justice was attended by him;…

Mr Forsyth (interrupts) – who is this Vernet, who appointed him, a man who is not ashamed to act like a pirate; and he himself confesses it when he has the nerve to present a contract with one of the Captains, whom he forced to sign?

Gen. Alvear – Senor: Don Luis Vernet was known in the Rio de la Plata as an honest man and the Government appointed him Governor of the islands. …

Mr. Forsyth – You must believe General that we have felt all these incidents and it would be the greatest pleasure to return to cordial relations between our two Governments. … we hope that good relations can be restored with you; not for us to judge on the right to the Falklands, that is, if they belong to England or to you; … you can be certain that we will never allow any European nation to take possession of an inch of land anywhere in America.

Gen. Alvear – I can not fail to express to the Lord Secretary of State the satisfaction that causes me what he has had the dignity to tell me. …

Mr. Forsyth – Well, what is it, finally, that your Government demands of us?

Gen. Alvear – my Government demands what I have had the honor to present at the beginning of this conference: that it be given a satisfaction which corresponds to the outrage that has been done to its flag …

Mr. Forsyth – Good General; I will tell the President of everything you have said to me, and I will let you know whatever we decide…" [2563]

"Alvear made it clear that the friendly relations that the United States wanted to see restored had been disrupted and replaced by an annoying estrangement thanks to the highly effective work of Slacum, Duncan, and Baylies. … The conference ended with a promise made by Forsyth that he would report everything to the President, whose resolution would be made known to him as soon as possible." [2564]

The court case concerning the loss of the *Harriet,* following its seizure by Vernet in 1831, finally reaches the US Supreme Court on appeal. The insurers contend that Vernet had acted legally and that therefore they had no duty to compensate. In its decision, however, the court accepts the right of the US Government to decide the nation's position in matters concerning foreign relations, and finds for the *Harriet's* owners. [2565]

"It was the duty of the master to prosecute his voyage, and attain the objects of it, for the benefit of his owners: and, in doing this, he was not bound to abandon the voyage by any threat of illegal seizure. We think, therefore, that the underwriters are not discharged from liability … it is the opinion of this Court,… That, inasmuch as the American government has insisted and still does insist, through its regular executive authority, that the Falkland islands do not constitute any part of the dominions within the sovereignty of the government of Buenos Ayres, the action of the American government on this subject is binding on the said Circuit Court,.." [2566]

"The Supreme Court upheld the authority of the US government to decide questions of territorial recognition, and therefore held that in US law the Falklands were not part of the "dominions within the sovereignty of Buenos Aires"; Buenos Aires had no "competency to regulate, prohibit, or punish" any activities in the islands, so Davison was not bound to respect Vernet's warnings. The Supreme Court thus ruled that in US law Vernet's actions had been illegal; he had seized US ships on the high seas and had taken some of the Harriet's cargo for himself, so in US law he had operated as a pirate, for which statutes of 1790 and 1820 had imposed the death penalty. But by 1839 the case had become irrelevant, so nothing came of it." [2567]

February 1st, in Australia, *The Sydney Herald* reports.

"The British have taken full possession of the Falkland islands. All vessels found fishing or sealing on their coasts will be treated as trespassers."

February 4th, from Washington, Gen. Carlos Alvear writes to General Rosas in Buenos Aires.

"I hereby inform you that my commission in this country has concluded, and that the conduct of Commander Silas Duncan had previously been approved by this Government, and (they are) therefore refusing to give due satisfaction for the attacks committed by said commander in the Falkland Islands." [2568]

2563 Abridged. For a full account see Fitte 1966 pp.407-410. There is no record of this exchange in Manning, 1832.
2564 Caillet-Bois 1982 (6th ed.) p.372 citing *C. de Alvear a Felipe Arana, Wáshington, 4 de febrero de 1839*.
2565 See August 1838
2566 *Charles L. Williams v The Suffolk Insurance Company 38 US 13 Pet. 415 415 (1839)*
2567 Pascoe 2020 p.125
2568 Fitte 1966 pp.410-411

February 7th, in the Falklands, sixty-six head of cattle are landed on West Falkland Island on the orders of Lieut Robert Lowcay.

"In 1839 no one could have foreseen that the Falklands economy would come to be based on sheep, not acttle. The wild cattle thrived; they grew huge and fierce and formed large herds which ate up the pasture and posed a real danger to the people and their livestock. Eventually they had to be eradicated." [2569]

March 21st, in New York, General Alvear formally submits a written claim for compensation to the State Department in Washington DC.

> *"The Undersigned, Minister Plenipotentiary Extraordinary of the Argentine Confederation in the United States of North America, has the honour to address the Honourable John Forsyth, Secretary of State, and to inform him that he is charged by his Government to call the attention of that of the United States, to the conduct of Mr. Silas Duncan, the Commander of the United States Sloop of war Lexington, on the 31st of December, 1833 (sic) at the Island of Soledad, one of the Malvinas [group], in displacing in the midst of profound peace, and in a violent manner, a settlement which had been publickly formed there by the Argentine Government, without any opposition at the time, and of which it has since remained in perfect legal and just possession, agreeably to the conception of the indisputable right which it has held and still holds to those islands. ...*
>
> *It is well known to all nations that by the Revolution which commenced the 25th of May 1810 and the solemn declaration of Independence in 1816 an association of Provinces under the title of United Provinces of La Plata was constituted in the former Vice Royalty of Buenos Ayres; and that was recognized by the United States of North America, and by other nations. This political association could not exist without possessing a territory, in as much as where the territory is not independent, there cannot be a Sovereign state; and thus as it acquired the right to this sovereignty so it likewise acquired the right to the property in the territory. The United Provinces in consequence succeeded Spain, in the rights held by that nation from which separated itself in the jurisdiction in question.*
>
> *The Malvinas Islands had always been an integral part of that territory or Vice Royalty, and as such they became a part of the property and dominion of the new American Republic. ...*
>
> *This unexpected event which has outraged the dignity of the Argentine nation, places the undersigned in the painful though absolute necessity; compliance with the express order of his Government, of exacting as he now does, by this note, from the United States of North America, the most solemn and complete reparation of a grievance, which affects the honour and dignity of the nation, wounded by the aggression committed at the Malvinas, by Silas Duncan the Commander of the United States SIoop of War Lexington..."* [2570]

In London, on the same day, the *Falkland Islands Commercial Fishery and Agricultural Association* is founded to promote colonisation of the Falkland Islands.

> *"We the undersigned original subscribers to the Colonization of the Falkland Islands, believing Mr. G. T. W. to be the most competent part to guide the successful operations of this undertaking, do hereby empower him, so far as our names and subscriptions avail, to adopt those measures which he may deem requisite for the efficient carrying out of this great national object."* [2571]

2569 Pascoe 2022 vol.2

2570 *Carlos Maria de Alvear to John Forsyth March 21, 1839* in Manning 1932 pp.210-222

2571 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series* 1845 vol.2 p.308. G.T.W. being George Whitington

At the Colonial Office, George Whitington argues the new Association's case with Henry Labouchere.

At Port Louis, Charles Melville constructs Preston Villa.

"... built of stone and clay; consists of four rooms..." [2572]

March 25th, in London, *Wave's* captain, Edward Goldsmith, writes to the *Falkland Islands Commercial Fishery and Agricultural Association* supporting their proposals to colonise the Falklands.

> *"Captain Langdon's opinion I fully confirm; the only obstacle in my mind is the want of timber, which may be overcome... I could not imagine how our Government could, for so long a time, have overlooked so valuable and important a place not only as a naval depot, but as a Colony and resort for our numberless merchantmen requiring supplies in that quarter..."*

March 28th, George Whitington responds to Capt. Goldsmith.

> *"Sir, ... Langdon and myself were the originators of the scheme of Colonisation in question as early as 1830. We placed our views before the Colonial Office in 1831."*

"A Mr. Whitington claims for himself and Lieut. Langdon, R.N., now in Van Dieman's Land, the credit of having been the first to direct the attention of the Government and of the public to the eligibility of the Falkland islands for a Penal Settlement...." [2573]

"Mr. Whitington says a "matured" plan of colonization for these important 44 islands will very shortly appear, supported by merchants and shipowners of eminence, (to) insure the confidence of the public." [2574]

April 6th, in Washington DC, US Secretary Forsyth requests from Alvear; *"... a copy of the laws that govern in the Argentine Confederation, relating to the fishing grounds, to which General Alvear refers in his official note of the 21st last."* [2575]

April 8th, General Alvear responds to Secretary Forsyth:

> *"... (being) very sensitive (to) not to be able to satisfy the Secretary of State in that point, for not having (them) at the moment in this place; so that he would take the liberty of indicating to (the Secretary) that the laws that are observed on fishing in the Argentine Confederation are the same as they were in the Viceroyalty of Buenos Aires at the time of the Spanish Government and to which he referred in his note of last March."* [2576]

"... Mr. Forsyth requested from the Minister of the Republic the laws on the fisheries, by virtue of which Commander Vernet had proceeded as he did; the General could not give them." [2577]

April 12th, in England, Whitington writes to Lord Palmerston extolling the advantages of the Falklands. [2578]

2572 *Lieut. Governor Moody to Lord Stanley June 6, 1842* in *Accounts and Papers 1843* vol.4

2573 *The Colonial Gazette* April 6, 1839. Goldsmith and Langdon were acquainted.

2574 *Sydney Gazette and New South Wales Advertiser*, July 27, 1839

2575 *La agresión norteamericana a las Islas Malvinas* E. Fitte 1966 p.417

2576 Alvear quoted in Fitte 1966. This was not true. Vernet's authority to prevent sealing around the Falkland Islands was based on a Buenos Aires decree of 1821. Alvear wrote to Felipe Arana on May 1, 1839, presumably to obtain a copy of the relevant regulation. With no answer, Alvear wrote again on October 30, 1839. However, the letter of April 8, 1839, appears to have been the last written correspondence between Alvear and the Secretary of State until December 1841. *cf.* 1821, 1828, 1829, 1841 & 1882.

2577 *Dominguez a Ortiz 25 de abril, 1884* in Fitte 1966 p.459

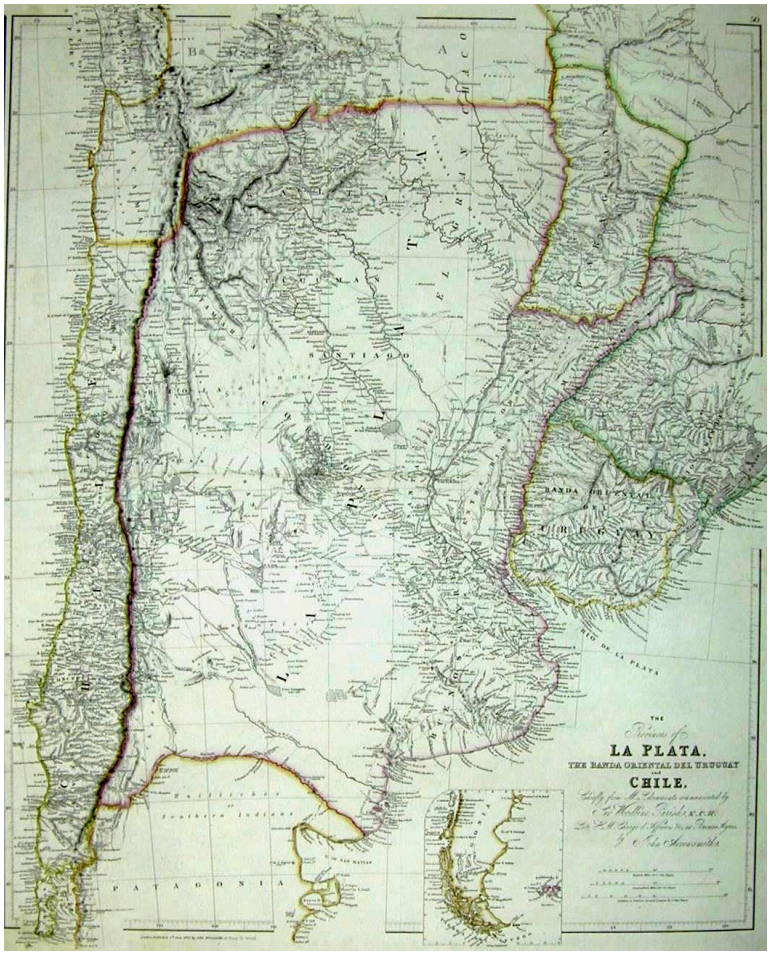
2578 *FO 6/501/298*

April 14th, in London, a gathering is attended by the press.

> *"The members of the Falkland Islands Association held a meeting at their offices in Moorgate Street on Monday. It was most respectably attended; and resolutions were passed in favour of the immediate colonization of these islands."*[2579]

June 4th, in England, ex-*charge d'affaires* in Buenos Aires, Sir Woodbine Parish, publishes a book – *Buenos Ayres and the Provinces of the Rio de la Plata: their present state, trade and debt: with some account from original documents of the progress of discoveries in those parts of South America during the last sixty years.*[2580]

The work contains a chart (right) of *La Plata, The Banda Oriental del Uruguay and Chile.*[2581]



June 27th, at Port Louis, a daughter, Caroline, is born to Charlotte Bayze and Charles Melville. [2582]

July 22nd, Lieut. Lowcay reports a reconnaissance.

> *"... principally with the Intention of observing the cattle put last Summer on West Falkland, and to look after the American Vessels generally cruising here... During the cruise no American or other Vessels were seen, nor have I heard of any Outrages having been committed by them."* [2583]

August 22nd, from Buenos Aires, Luis Vernet writes to Lieut, Lowcay asking as to the whereabouts of his property, which he had left at the settlement in 1831.

Referring to Lowcay's letter of March 15th, 1838, Vernet addresses the question of outstanding promissory notes.

> *"There were formerly some paper tokens in circulation at the Colony, as the current money of the Country, which I was informed by my agents that they had been redeemed, whether some of these papers still exist I know not."* [2584]

2579 *The Spectator* April 14th, 1839

2580 Parish had been knighted in 1837.

2581 Created and published by John Arrowsmith of London, for Woodbine Parish.

2582 Pascoe 2022 vol.2 p.521

2583 *Sessional Papers Printed by Order of the House of Lords 1841*

2584 *Vernet to Lowcay August 22, 1839* in the Jane Cameron National Archive in Stanley. Very much a repeat of Vernet's letter to Lowcay of March 14, 1838. Disingenuous. Vernet had failed to pay the gauchos in silver as per their original contracts but had instead introduced a 'truck system' where his 'tokens' could only be exchanged at the company store for goods at high prices. Vernet was a fraud. His system led directly to the murder of his managers in August 1833.

"... the fact that he had still not taken any concrete steps towards recovering his property almost eight years after leaving the islands made it look as if he was "declining to remove" it, and his dilatoriness and importunity were beginning to irritate the British authorities." [2585]

August 29th, Luis Vernet writes to Commodore Sulivan at Rio de Janeiro regarding his property; claiming that he had attempted to collect following Sulivan's letter of August, 1838.

> *"Lieut: Henry Smith had been ordered by letter of 11th May, 1835, from V. Admiral Sir Graham E, Hamond to deliver to me, & which he, the Lieut: having also written me he would hold at my disposal, I had requested him to send by first opportunity per Merchant Vessel, which might be bound either for London, or Liverpool, Rio Janeiro, Monte Video or Buenos Ayres which request was never complied with, and I do not know to this day how this property has been disposed of."* [2586]

At Port Louis, HMS *Grecian* (William Smyth) arrives accompanied by HM ketch *Arrow* (William Robinson). [2587]

September 18th, at Port Louis, Lowcay notes the presence of 43 settlers; who have experienced a bad winter.[2588]

September 19th, Capt. Smyth of HMS *Grecian*, sets out a report for the information of Commodore Sulivan.

> *"... in Lowcay's Report you will observe that the wild Cattle have not been disturbed, and also that no Encroachments have been attempted by the Subjects or Citizens of any Foreign State. You will also see that he reports the Death of Seven Horses, and that there are only Twelve lassoing Horses remaining. ... I have also enclosed, for your Consideration, a Certificate given by Lieutenant Lowcay to a Woman by the Name of Mrs. Antonina Kenney[2589], who came to me to request that I would order her to be put in possession of Fourteen Head of Cattle that were given to her by Lieutenant Smith for Work done upon the Island.*
>
> *On inquiring of Lieutenant Lowcay upon this Case, he informed me that they were unquestionably her Property, and he spoke also very highly of the Woman, stating that she was of a humane Disposition, and made herself very useful on the Island when any of the Settlers were sick, and particularly in Midwifery Cases, and that she had some Time back saved the Life of a young Gentleman of the Cleopatra, when that Ship was at the Islands.*
>
> *I conceive it my Duty to state that Lieutenant Lowcay has mentioned to me the Case of a French Settler having been detected committing an unnatural Crime, and that he had sent him off the Islands: the Excuse he made was that there were no Women."* [2590]

"I hereby certify that Lieutenant Henry Smith gave to Antonina Kenny, for work performed at the settlement, 14 animals, but which she has not been as yet permitted to make use of (awaiting the orders of Government)." [2591]

Aboard HMS *Grecian*, Lieut. Lowcay sails for Rio de Janeiro, leaving Lieut William Robinson (*Arrow*) in charge of the settlement until a successor arrives.

2585 Pascoe 2022 vol.2 p.520. Never a mention of the piano.
2586 *CO 78/43*
2587 Exact date of arrival unrecorded but the vessel had been at Montevideo in the last week of August, 1839.
2588 *The Sessional Papers of the House of Lords: Session 4 & 5* Victoriae 1841.
2589 Formerly Antonina Roxa
2590 *The Sessional Papers of the House of Lords: Session 4 & 5 Victoriae 1841*
2591 *Dated September 20, 1839* in *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* 27 August 1840 p.3

October 16th, *Alonzo* takes seals in Berkeley Sound. [2592]

October 30th, from Washington DC, General Alvear writes the Argentine Foreign Minister, Felipe Arana, reviewing his work in the US. He affirms that he has taken every opportunity to press the case regarding the *Lexington* incident of 1831. [2593]

November 8th, at Port Louis, a son is born to Frederick and Petrona Pearce. Named after his father. [2594]

November 21st, from Buenos Aires, Minister Arana sends instructions to Manuel Moreno in London.

> *"You will take the opportunity when a chance arises in the claim regarding the occupation of the Malvinas Islands to explore with sagacity, without leaking it to be idea of this government, if there was (willingness) in His British Majesty to make room for a pecuniary transaction, which would be to cancel the pending debt of the Argentine Business."* [2595]

In the Falkland Islands, on the same day, *Montgomery* (Melville) takes seals in Berkeley Sound. [2596]

December 8th, Lieut. Robinson issues a warning to the commander of American sealer the *Benjamin de Wolf* – one William Smyley. [2597]

> *"In Accordance with Instructions furnished me from HM Government – It is my duty to warn You or any Foreign Vessels from killing the Wild Cattle, fishing, or Sealing the Coasts, Waters, or Islets of the Falklands Group; and that you are not again to Return another Season to these Islands, as Great-Britain has now asserted her Right to them, and by the law of Nations which attach to Soveriginty(sic) the exclusive Right of all fisheries on its Coasts, Islets and Waters."* [2598]

December 19th, at Port Louis, Lieut. John Tyssen arrives in *Sparrow*. [2599]

December 23rd, Lieut. Robinson reports.

> *"While at the Settlement, I have been employed repairing the Government Buildings, Garden Walls, &c, and established some few Regulations towards preserving good Order and Regularity; but, I am sorry to say, the major Part of the Settlers are entirely opposed to such a System; Two of them, in particular, I beg to report to you as having given me a very great deal of Trouble, and strongly recommend their being removed from the Settlement, viz. Pascuel Ricano and Richard Penny, the latter having stolen a large Quantity of Peat which my People had cut for our Fuel, and both of them drunken and disorderly Characters, and fit to be made an Example of. I have much Pleasure in stating that the Ship's Company and the Marines of the Sparrow have kept themselves entirely apart from the Settlers, and scarcely a Case of Drunkenness has come before me.*
>
> *Only Two Vessels, with the Exception of the Settlement Schooner, have touched here since I took charge, an American Whale Bark and the American Schooner Benjamin de Wolf, Smilie Master, who, I*

2592 Dickinson 2007 p.50 citing PRO ADM 51/3052
2593 Fitte 1966 pp.418-420. More research needed here.
2594 Pascoe 2022 vol.2 p.521
2595 Rozas 1948. This links '*Argentine Business'* to the outstanding debt owed by Argentina to the Baring Brothers Bank. *cf.* 1842, 1843 & 1844
2596 Dickinson 2007 p.50 citing *PRO ADM 51/3052.* An arrangement seemingly agreed with Lieut. Robinson. See May 18, 1840, below.
2597 Smyley's previous vessel, the *Sailor's Return*, had, apparently, been wrecked on the coast of Patagonia in 1838. Regarding Smyley *cf.* 1830, 1831, 1845, 1849, 1853 & 1854
2598 *JCNA vol. H.1* (Jane Cameron National Archive in Stanley)
2599 *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* August 27, 1840 p.6

am told, not only seals the principal Rocks of these Islands, but also killing and salting a great Quantity of Beef, which he takes to Sea, and barters to the Whalers. He also assumes the Uniform of the United States Service, in which he came on board to me, and told me he was employed by that Government; but this I presume to be incorrect, from his personal Manners and Pursuits.

He also took from the Settlement, without my Permission, during the Night, Two of the Settlers, one of whom has left a Wife and Children unprovided for; and, being totally unable to procure Subsistence, I have been obliged to victual her from the Vessel until she is conveyed to Monte Video, her native Place, where she wishes to return. The Gauchos, during my Stay, have caught Forty-nine Head of Cattle; and the Horses are getting so bad, that only Six will be able to get another Trip." [2600]

"... the master of [HMS] Sparrow (sic) whilst on a voyage round the islands to warn foreign vessels not to seal within three miles of the island discovered a depot of skins covered in Bullocks hide in Robinson Bay, West Falkland and brought them back... Smyley later arrived in his schooner Sandy Wolf [Benjamin de Wolf] dressed in an American Lieutenant's uniform and went on to the Sparrow... told Lieut. Robinson [Commander] that although he received the warning not to seal, he would seal where and when he wanted. He demanded return of the skins, and took them away in defiance of Robinson." [2601]

December 24th, Lieut. John Tyssen takes formal command of the Falkland Islands.

December 27th, in Buenos Aires, Governor Rosas, addresses the opening of *Legislatura de la Provencia.*

"The Government will not abandon its just rights to the territory of the Malvinas Islands, nor desist claiming them..." [2602]

"The Colonial Office, being aware of the difficulty arising under the disputed sovereignty, and of the disposition of certain parties to occupy and avail themselves of certain grants and powers, acquired prior to the assumption of the sovereignty .., was not indisposed to sanction and to adopt the necessary steps for obtaining powers from parliament; and, in 1839-40, Lord John Russell, carrying on the official preliminary negotiations with the treasury and other offices, and supported by active and actual operations of expeditions for settlement, &c., inserted a small sum of 2,000l for the Falklands in the miscellaneous estimates,.. for drafting the expenses of the requisite establishment for the government and administration of justice in those islands" [2603]

2600 *Robinson to Sullivan December23, 1839.*
2601 Dickinson 2007 p.56 citing *PRO CO78/14 Moore to Gladstone July 10, 1840*
2602 *Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910* 1910 vol.1 p.406
2603 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845 vol.2* p.309

1840 – January 14th, in London, a Colonial Land and Emigration Commission is created.

"The Commission performed a number of functions until it was disbanded in 1878. It was responsible for the publication and supervision of emigration to British settlement colonies. This involved the preparation of reports and organization of the subsidized and safe transportation of emigrants. These activities were financed by the Commission's sale of colonial Crown Lands to settlers. In 1840 the Commission's main guideline was to serve as, "... the connecting link between the disposal of Crown Lands and the conveyance of immigrants."..." [2604]

January 20th, at Port Louis, Lieut. Tyssen renews the gauchos' contract which stipulates that they are to be paid two silver pesos for each head of wild cattle over two years of age, two pesos for each horse caught plus five pesos for each horse broken and trained. One peso per day to be paid for other labour. [2605]

February 20th, in London, George Whitington, representing (?) the *Falkland Islands Association* writes to the new Colonial Land and Emigration Commission.

> *"I send herewith an abstract of a Grant of Land made to Lieutenant Langdon RN & myself by Mr. Louis Vernet, who derived his title & was appointed Governor and took possession in 1826 of the Falklands by the Republic of Buenos Ayres, which was confirmed by Decree of legislation in 1828."* [2606]

Whitington adds that; *"... it must be admitted the right of sovereignty claimed and acted upon by the Argentine Republic, was apparently confirmed and assented to by Great Britain;.."* [2607] In recognition of his work towards the colonization of the Islands over the years, Whitington proposes that he, personally, should be granted lands on East Falkland under more favourable terms than will be offered to others and on an understanding that the; *"... whole of the remainder of East Falkland shall be granted to my Association..."*

February 28th, the Colonial Land and Emigration Commission write to the Foreign Office, requesting information regarding any intention the government may have to settle the Falklands.

> *"We have received a communication from Mr. Whitington informing us that he, together with an association of his friends, is successfully pursuing the object of colonising one of the Falkland Islands, and requesting us to bestow official advantages upon him in return for his exertions in the cause. Not having been instructed that these Islands fall within the scope of our duties, we have the honour to request to be informed whether it is intended to form a settlement upon them, within which it will be in our province to dispose of public lands, as is assumed to be the case in W. Whitington's application..."* [2608]

On the same day, George Whitington, writes to Lord John Russell.

> *"I beg leave to call your Lordships attention to a subject of much importance, to the interests of myself & the influential parties with whom I am associated, for the purpose of Colonizing the Falkland Islands; a subject which has occupied my best consideration for many years, without regarding either trouble or expense…. I respectfully submit, that, our Association is justly entitled to the favorable consideration of Government..."* [2609]

2604 *British Interests in the Falkland Islands: Economic Development, the Falkland Lobby and the Sovereignty Dispute, 1945 to 1989* C. R. Ellerby 1990 p.10 citing *The Colonial Land and Emigration Commission* F. H. Hitchins 1931

2605 Pascoe 2022 vol.2 p.524 citing the Jane Cameron National Archive in Stanley.

2606 *CO 78/4*. Vernet led an expedition to East Falkland in 1826; was given a grant of lands by Buenos Aires in 1828; but was only given a title (de facto) in the Buenos Airean decree of 1829 (not formally gazetted). George Witington was somewhat inclined to 'over-egg the pudding'. *cf.* 1828, November, 1830, January & February, 1832 & May, 1834.

2607 *Ibid*. Not the case. Whitington was apparently unaware of the 1829/1832 protests by the British Government.

2608 *Villiers to Stephen February 28, 1840* in *CO 78/4*

2609 *CO 78/4*

Whitington asks after the veracity of a newspaper report suggesting that West Falkland Island will be colonised by convicts; *"... such an arrangement would affect the intentions of our Association, who are now in treaty with the Colonial Land and Emigration Board for the Grant of East Falkland Island, to commence the immediate & adequate Colonization of those Islands..."* [2610]

February 29th, from Port Louis, Tyssen reports the presence of 25 settlers on the Islands, including children.

> *"The ship's company of the Sparrow have been employed in roofing a storehouse, making and repairing different corals, one person gardening, and various other jobs beneficial to the island. There has been little or nothing done towards the cultivation yet by any of the inhabitants. I have endeavoured to persuade them to build houses, make gardens &c., but only one person at present has a garden (Mr. Addyman, an Englishman). ... Mr Goldsmith, the master of the Wave, has just given me 100 different sorts of tree-seeds which I intend to sow at a favourable season:...*
>
> *The wild cattle of the island are getting more difficult to catch every year. The capitaz, ... informs me he thinks that there are about 40,000 head of cattle and 4,000 horses upon this island, and about 100 cattle upon the west island. There are 14 milch cows, and now about 190 head of tame cattle, including milch cows and calves."* [2611]

March 7th, in England, Captain John James Onslow writes to George Whitington about his colonization proposals.[2612]

> *"I am astonished the Government do not colonise them, and make them a great naval depot. My despatches clearly pointed out their importance and advantage as a station and place of refuge."* [2613]

"A Mr. Whitington, who was, we believe a lieutenant in the navy, has been using very strenuous exertions for the last two or three years, to form a British settlement at the Falkland Isles, but received no encouragement from the government." [2614]

"In 1840 he (Onslow) presented a plan for the colonization of the Falklands, but it was rejected with a brief note from Downing Street, namely: "Sir, John Russell has instructed me to acknowledge receipt of your letter of the 3rd last and to inform you that, with regard to the British colony to be established in the Falkland Islands, no resolution has been taken to form an establishment there, so His Lordship naturally cannot accept the offer you have made to occupy the government of said islands"." [2615]

March 9th, in London, the Foreign Office respond to the Commission of Colonial Lands.

> *"Having laid before Lord John Russel your letter of the 28 ultimo... the Falkland Islands are part of the dominions of the British Crown, but that HM Govt. do not at present contemplate making any settlement there. ... person(s) desirous of settling these Islands may be permitted to proceed thither, but ... they must not expect more naval, or military protection than can be afforded by Her Majesty's Cutter now stationed there..."* [2616]

2610 *Ibid.*
2611 *Tyssen to Wood February 29, 1840* in *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* 27 August 1840 p.6
2612 For Onslow in the Falklands, see 1832 & 1833
2613 Quoted in Gough 1992
2614 *The Colonial Magazine & Commercial-maritime Journal* vol.1 Aug-Dec, 1842 p.303
2615 Canclini 2014 citing *PRO CO 78* pp.104-105. No dates provided.
2616 *CO 78/4.* The draft of this letter appears to have dated from March 2, 1840.

A note in the margin of the draft message states; *"... I am aware that the vessel of War stationed at the Falkland Islands was sent there by Lord Palmerston's direction, as is understood here, for the purpose of asserting our right of occupation..."* [2617]

March 21st, confused by the latter part of the response of March 9th, the Commissioners seek clarification.

> *"... we feel ourselves placed in some difficulty in respect to the communications which it may be right for us to make to parties who contemplate the settlement of those islands. If the proprietors of the scheme should be enabled to state to the Public upon our authority that the Falkland Islands are part of the dominions of the British Crown, and that permission is given to British Subjects to settle there, we are apprehensive that the limited extent of the force at present stationed there will be overlooked, and that an expectation will be created that persons actually proceeding thither will receive that amount of protection to their persons & property (including the Establishment of a regular Civil Government) which has generally been accorded to British Subjects under similar circumstances. We would further observe that if permission to settle upon these Islands were conveyed in the general terms of the present communication, parties would expect to be informed whether they would have the means of acquiring a title to the lands they may occupy, ... On the whole we would submit the Question whether it might not be most Convenient that we should be enabled to answer Mr. Whitington by conveying a definitive intimation whether or not Her Majesty's Government is prepared to establish a regular colony in the Falkland Islands."* [2618]

March 27th, Lord John Russell responds to the Commission, that they should tell would-be settlers of the Falklands; *"... that HM Government do not intend to establish a colony there."* [2619]

March 28th, the Commissioners write to inform George Whitington.

> *"... having applied to the Colonial Department, for information as to the intentions of Government, they are apprised that Her Majesty's Government do not intend to establish a Colony at the Falkland Islands; and under these circumstances the Commissioners are of course unable, to enter into any question respecting the disposal of Land there."* [2620]

April 6th, *The Globe* reports:

> *"The gentlemen interested in the colonization of the Falkland Islands have received an official communication, informing them that government have no intention at present of establishing any settlement in the islands."*

April 20th, George Whitington writes directly to Lord John Russell. He refuses to recognise the response from the Land Commissioners, and claims that the decision to colonize the Falklands had already been taken by a previous administration. He then sets out a proposal whereby the; *"... Falklands shall be vested in the Association in trust for the purposes of Colonization (and) that the Land shall be disposed of by them to the public at £1 per Acre..."* [2621]

2617 *Ibid*. Unsigned. Presumably a reference to HMS *Sparrow*. Palmerston held the office of Foreign Secretary on three occasions; the second between April, 1835 and September, 1841.

2618 *CO 78/4*

2619 *Ibid.* The next document in the file is dated August, 1840 and appears to run contrary to this response. See below.

2620 *Whitington to Russel April 20, 1840* in *CO 78/4*

2621 *CO 78/4.* Notes written onto this letter indicate that no such decision had been made by Lord Glenelg during his tenure at the Colonial Office, and that Whitington had misunderstood the correspondence dating from that time.

May 18th, from London, permission is granted by the Admiralty for a sealing contract between Lieut. Tyssen, representing the British Government, and Charles Melville, of the schooner *Montgomery*. There is a condition that no hunting should take place every second year to allow for the recovery of seal numbers.

"In 1840 the administration extended its attempts to develop sustainable sealing by requiring that local sealers be licensed. Governor (sic) Lieut. Tysson issued the first to Charles Melville, master of the vessel Montgomery, giving him exclusive sealing rights to the Volunteer Rocks for three years at £100 per annum. … Local merchants objected that they were now banned from the most productive fur sealing site. Their request for a concession to the rest of the islands at £200 per year was rejected …" [2622]

May 25th, in Buenos Aires, Governor Rosas attends a reception to celebrate the birthday of Her Majesty Queen Victoria. Rosas proposes a toast to the Queen, Her Consort and the prosperity of the British nation. [2623]

In **June**, ignoring all negative messages, George Whitington pursues his plans for colonisation.

"Government some time ago publicly announced that they had no intention of colonizing the Falkland Islands at present, although they had a resident there … to protect them as British possessions. Some enterprising individuals have, however, we are informed, determined to attempt the colonization of these valuable islands and a vessel is now being loaded by them in the Thames, to proceed thither." [2624]

July 3rd, at Port Louis, more of the settlers gather to sign the oath originally set out by Lieut. Lowcay.

> *"We, the undersigned, being settlers at Port Louis, Berkeley Sound, East Falkland Island, are willing to conform to all such orders and directions, as may from time to time be promulgated by the Government of Great Britain, the Comm in Chief or the Station or by the Officer in Charge of the Settlement for the better regulation thereof, and the Islands generally."*

Signing are: Rufus Briggs, John Hill, John Scully, Henry Mitchell, Andrei Petaluga, Thomas Parker, Antonina Roza and Marianne Costello.

August 15th, in London, the Colonial Land and Emigration Commission apologises to the Colonial Office for a delay in their consideration of the question of colonizing the Falkland Islands. [2625]

August 21st, from Rio de Janeiro, *charge d'affaires* Ousley writes to Lord Palmerston at the Foreign Office, giving his view of; *"… the present state of the colony if it deserves that name, of the Falkland Islands…"* [2626]

> *"The extreme importance of these islands is only becoming apparent as their resources are gradually explored. In case of difference with any South American power, or the prohibition or exclusion by heavy duties of English merchandize, on the approaching expiration of existing treaties, these islands would form an admirable depot and free port from which foreign vessels could convey goods to any part of South America."* [2627]

2622 Dickinson 2007 p.52. No source or citation offered.
2623 *BPAN June 6, 1840.* Queen Victoria's birthday was May 24th.
2624 *Hull Advertiser & Exchange Gazette Friday July 3, 1840* citing the *Journal of Commerce*
2625 *Elliot & Villiers to Stephen August 15, 1840* in *CO 78/4*. This refers to a letter dated August 14th, apparently asking for an explanation regarding the delay. There is no indication in this file as to quite when, between March and August, 1840, a reconsideration had been requested.
2626 *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* 27 August 1840 p.14
2627 *Ibid* p.15

August 22nd, in London, the Colonial Land and Emigration Commission reports on the Falklands archipelago.

> *"There appear to be Four Grounds upon which the Establishment of a regular Colony at these Islands has been urged upon the Government.*
>
> *1) The usefulness of affording to the Merchant Vessels which sail round Cape Horn a Port for Refit and Refreshment.*
>
> *2) The Expediency of having a British Port placed as it were between the Atlantic and the Pacific Oceans, to which our naval Force on the South American Station could resort.*
>
> *3) The Peculiar Advantages which the Islands afford for the Establishment of a Penal Colony.*
>
> *4) their Fitness generally as a Settlement for agricultural and commercial purposes.*
>
> *On the Three first Grounds above stated, we entirely agree as to the Value and Importance of these Islands. On the Fourth, we think that considerable Doubt still rests."* [2628]

"The Commissioners also proposed that East Falkland become a free colony and the West a penal settlement. The benefits included the difficulty of escape, the absence of settlers or aborigines who might be "contaminated or offended," peat for fuel, the capacity for self-sufficiency in food, lower convict transport costs compared with Australia, and convict labour to construct the naval base. The plan was made while Saint Helena, Corfu and Cape Town were also being considered as destinations for the 4,000 convicts annually sentenced to transportation. It cost £120,000 to keep 4,000 convicts in the hulks for four years, £360,000 in a penitentiary and £60,000 to transport them to Australia." [2629]

August 27th, in an attempt to further pressure the Government, George Whitington publishes a booklet entitled *The Falkland Islands: Compiled from Ten Years Investigation of the Subject*. [2630]

> *"This Work gives the early history of the Falklands: it details the different contests for their sovereignty, which is now vested in the British Crown; it comprises the personal examinations and general observations of Don Louis VERNET, the Spanish Governor, and his people, who resided on the Falklands from 1826 until 1833, as also of Captain J. J. ONSLOW, R.N., who, took possession and hoisted there the British Flag in 1833, together with that of Lieutenants HENRY SMITH, R.N., Resident Governor during four years, from 1834 to 1838, ROBERT LOWCAY, R.N., Resident Governor for 1838 and 1839, WILLIAM LANGDON, R.N., HENRY REA, R.N., and other indisputable authorities... In calling the consideration of the public to the subject of the Falkland Islands, I am actuated with sincere desire to promote the naval, commercial, and general prosperity of my country, by pointing out most important objects, which appear to me to have been too long overlooked, and even now to be very imperfectly understood or appreciated."* [2631]

"The writer of this, and his brother, had, at considerable expense, trouble, and anxiety, embarked their time and capital in the preliminary colonization &c. of these Islands: ..." [2632]

2628 *Sessional Papers of the House of Lords* 1841

2629 *British Interests in the Falkland Islands: Economic Development, the Falkland Lobby and the Sovereignty Dispute, 1945 to 1989* C. R. Ellerby 1990 p.11

2630 Reported in *Bells Weekly Register* Sunday October 4, 1840

2631 Whitington 1840. Vernet was not a '*Spanish*' governor and had left East Falkland in 1831. While Smith and Lowcay had been residents, they were not governors. Containing useful information, sadly, the work was also riddled with inaccuracies. See also *CO 78/43*

2632 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series* 1845 vol.2. p.152

September 4th, Lord John Russell signals his agreement to the recommendations of the *Colonial Land and Emigration* officers; *"... excepting as they relate to the establishment of a penal colony on those islands."* [2633]

A copy of this endorsement is sent to the Admiralty.

> *"... It appears to his Lordship that the Government of the Settlement to be formed there should be supported by Vote of Parliament, but that it should be framed upon the most economical Scale, not, perhaps, to exceed 2,000l per Annum; and that the Lands should be disposed of by Sale, under the Management of the Commissioners, upon this Basis: that Fifty per Cent, should be devoted to the Object of sending out Labourers, Twenty-five per Cent, to Surveys, and Twenty-five per Cent, to general Expenses. His Lordship will be glad to be apprized whether the Lords Commissioners of the Admiralty concur in these proposed Arrangements."* [2634]

October 3rd, the Admiralty respond to Lord John Russell's September letter in the affirmative.

Without informing the British Government, George Whitington sends two vessels to the Falkland Islands, *Mary Ann* and *Susan*, under the direction of his brother, John Bull Whitington. Aboard the ships there are 16 colonists including 2 children.[2635] Also stores, 12 sheep and 2 pigs. The *"clerk and foreman"* is John Markham Dean.

"... two vessels loaded with materials, and people to settle there, without one shilling charge upon the public purse of this country, or of allowance in Colonial land." [2636]

"In October 1840 funded by his brother George T. Whitington, he left for the Falkland islands in two of his brother's brigs the Susan and the Mary Ann,... He intended to settle there and take over the land purchased by his brother from Captain Langdon (who had been granted it by Vernet)." [2637]

At the Falkland Islands, American schooners *Plutarch* and *Penguin* put men ashore to hunt wild cattle. [2638]

October 14th, HMS *Actæon* arrives in Berkeley Sound with horses for the settlement. [2639]

> *"On my arrival here I took the earliest opportunity of visiting the settlement, and found the inhabitants to consist of 27 men and women, and 12 children. With the exception of the settlement house (which is a very miserable one), the whole of the habitations are mere hovels. Building stone is abundant, and lime might be made from shells, ... but the great drawback to erecting any permanent or comfortable dwellings, is the want of wood, there being none in the island; ...*
>
> *There is peat fuel in abundance, and the island, as far as I have been able to see, is well adapted for grazing, but for agricultural purposes, decidedly not, beyond the raising of vegetables, which in sheltered situations, ... thrive very well. ...*
>
> *The old tame horses are completely done up; they were the property, as far as I can learn, of Don Louis Vernet, when the British Government took possession of these islands, and have been in constant use ever since. I am of opinion therefore, that unless horses fit for the work of the gauchos be speedily*

2633 *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* August 27, 1840 p.12
2634 *Sessional Papers of the House of Lords* 1841 no.8.
2635 James and Mary Watson were among the settlers. Their descendants remain there today (2025).
2636 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series* 1845 vol.2. p.152
2637 *Whitington, John Bull* David Tatham in Tatham 2008.
2638 *Extract of a Letter from Lieutenant John Tyssen ... December 15, 1840* in *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* August 27, 1840 p.16
2639 Caillet-Bois (6th ed.) 1982 p.389 (fn.33) claims that Vernet; *".. sent a new shipment of 20 horses to the islands.."* This is inaccurate.

imported, the settlement will scarcely be able to obtain cattle fit for its own consumption, much less to supply refreshments to any ships that may touch here for that purpose." [2640]

October 17th, in London, Lord John Russell writes to the Lord Commissioners of the Treasury, asking: *"... whether they are prepared to sanction the arrangements proposed, with a view to the colonization of these islands."* [2641]

October 30th, Britain's Treasury approve the proposals for the Falklands.

"I have it in command from the Lords Commissioners of Her Majesty's Treasury to request you will state to Lord John Russell that my Lords will not object to an Application to Parliament for a moderate Grant for defraying the Expenses of the requisite Establishment for the Government and Administration of Justice in those Islands, upon the economical Scale to which his Lordship has referred in the Communication made by his Direction to the Board of Admiralty.

My Lords also concur in Lord John Russell's Proposition regarding the Appropriation of the Money that may be raised by Sales of Land in the Islands, with reference to the Arrangements for which Objects they have to suggest that due Care should be taken to prevent the Alienation of any Property that may be useful for the Establishment of Naval Depots or other public Purposes, or that might enable Individuals to monopolize or obstruct the Fisheries, and likewise for preventing any unauthorized Destruction of the wild Cattle.

I have further to request you will state to Lord John Russell that my Lords are disposed to concur in the Views submitted by the Land and Emigration Commissioners, in regard to the Feasibility of levying a light Duty on Shipping resorting to the Islands for Refreshment or to refit." [2642]

November 17th, in the Falkland Islands, in Berkeley Sound, *Susan* (Alley) arrives to the consternation of Lieut. Tyssen who is not expecting a party of would-be settlers. [2643]

November 18th, John Bull Whitington's carpenters commence the erection of a prefabricated house.

"They have erected a large house and stores, and had a number of fine English long-wooled sheep, poultry and pigs, with some superior dogs. They were daily expecting the arrival of a second vessel from London, with further stores and immigrants. ... Amongst his people was a party of Scotchmen..." [2644]

"Falkland House: built of wood brought from England; consists of one large store and nine rooms with various useful domestic offices." [2645]

November 21st, in London, Britain's Colonial Land and Emigration Commissioners are asked for an opinion on the possible take-up of land in the Falklands by would-be colonists, and whether; *"... those colonists would be*

2640 *Report upon the State of the Settlement in Berkeley Sound, East Falkland* by Capt. Robert Russell in *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843. Russell notes that of Vernet's original (approximate) 62 horses, only 23 remained. See - https://falklandstimeline.files.wordpress.com/2023/10/copies-or-extracts-of-any-correspondence-relative-to-the-falkland-islands-1843.pdf

2641 *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* August 27, 1840 p.13

2642 *Sessional Papers of the House of Lords* 1841

2643 *175 Years of Watsons* in *Penguin News* November 20, 2015. This would suggest a voyage of only some seven weeks, which is surprising.

2644 *Southern Australian* Adelaide, September 14, 1841

2645 *Lieut. Governor Moody to Lord Stanley June 6, 1842* in *Accounts and Papers 1843* vol.4

governed by a charter of justice, or whether it would be expedient to apply to Parliament for authority to create a legislative council and a court of justice." [2646]

"What settlers are to be sent out, does not appear to have been decided, but we apprehend that the treasury will advance a loan to be repaid out of the sale of land, for the transmission of distressed Highlanders and Islanders of Scotland, and that a penal settlement will be formed at once, the convicts to be employed in forming a dockyard and other government works." [2647]

December 3rd, the Colonial Land and Emigration Commission writes, regarding George Whitington.

> *"... we have on former occasions received several letters from Mr. Whittington (sic), and that it appears in his own words that his object is to obtain a Grant of Lands to himself upon more favourable terms than will be required from other applicants, in order that he may be indemnified for his Costs and remunerated for his services. We have not, however, thought that this request should be granted, for we believe that we are correct in opining that whatever services may have been rendered by Mr. Whittington they have been entirely voluntary and that no ground for expecting remunerated for them was ever held out by the Government. And further, that the sum of more than £5000 which Mr. Whittington states that he has expended in promoting the Colonisation of the Falkland Islands since the year 1829, in addition to a further sum of £10,000 recently spent in the same cause, must have been an Expenditure made in a private capacity for private objects and constitutes no ground for the indemnity at the Public Expense which he claims."* [2648]

December 15th, from Port Louis, Lieut. Tyssen reports on the depredations of foreign sealers.

> *"From information I have received I firmly believe that American Vessels visit this Island to the Westward solely for the Purpose of killing wild Cattle, and from the Difficulty in detecting them in the Act they pursue this Robbery with Impunity… settlers justly complain that while they, on their cruises round the islands, are obliged to pay for all cattle killed for their crews of their vessels, foreigners pay nothing. … the Benjamin de Wolff, American schooner, William Symlie (sic) master, had again made her appearance on the coasts of these islands, having been last year warned off by Lieutenant William Robinson, of Her Majesty's ketch Arrow."* [2649]

At West Falkland Island, an American brigantine, *Enterprise (*John Green), anchors. [2650]

December 27th, in Buenos Aires, Felipe Arana and Manuel Insiarte, in the annual message at the opening of the *Legislatura de la Provencia*, mention the islands; *"The Government perseveres in its claims and supports the rights of the Republic to the Malvinas Islands..."* [2651]

2646 *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* August 27, 1840 p.14
2647 *The Colonial Magazine & Commercial-maritime Journal* 1842 vol.1 Aug-Dec. p.304
2648 *Villiers to Smith December 3, 1840* in *CO 78/4*
2649 *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* 27 August 1840 p.16. For Symlie, read Smyley
2650 See February, 1842
2651 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 p.2

1841 – January 1st, at Port Louis, Antonina Roxa, Leergen Christian Dettleff, Thomas Rolon and James Anderson swear an oath of allegiance to the British Crown. [2652]

"... in 1841, she (Roxa) was compelled, just like her other compatriots, to swear an oath of loyalty to the British crown, imposed by the occupation authorities. Everything indicates that those who did not swear it had to leave the islands and lose their home and other goods." [2653]

"... there were only 31 grants of British nationality in the Falklands in the entire 19th century." [2654]

Mary Ann arrives with the rest of the Whitington brother's settlers. After disembarking his passengers, Capt. John Hartnall sails away with the stores. [2655]

"... (Whitington)... despatched two ships with settlers, stores and other requisites, for founding a settlement, and that he was about sending a third, and that he has expended £15,000, which he hoped the government would repay him;.." [2656]

January 16th, John Bull Whitington presents Lieut. Tyssen with a claim for 10 square miles of land which he asserts is the property of his brother, George Whitington.

> *"I beg to inform you, that I am duly authorized by George Thomas Whitington, esq. of 20, Adam Street, Adelphi, London, to take possession of certain lands, cattle &c. on the East Falkland Islands, comprising 10 square miles, in Section No.3, with other rights and privileges appertaining thereto, as fully specified in the documents which I am prepared to show, and I have now to request your Excellency will think proper to put me into quiet possession of the said property on behalf and for the account of the said George Thomas Whitington."* [2657]

January 18th, Lieut. Tyssen responds to John Bull Whitington.

> *"I beg leave to inform you that I have no authority whatever from Her Majesty's Government to place you in possession of such lands."* [2658]

January 29th, John Bull Whitington examines the settlement's stock of cattle hides, offering to buy them for 4s 4d for the hides in good condition (324) and 2s 2d for the remainder (202). Lieut. Tyssen accepts the offer. [2659]

February 6th, from Port Louis, Lieut. Tysen writes to Commodore Sullivan.

> *"... the gardens are looking tolerably well, turnip beds excepted. The young trees appear at present healthy; I have planted some others, which were brought me by Mr. Melville from the West Island. The*

2652 Tatham (ed.) 2008 p.470. *cf.* 1837

2653 *Malvinas: lo que no cuentan los ingleses (1833-1982)* Hipolito Solari Yrigoyen 1988. My emphasis. There is no evidence that anyone was compelled. There were some 36 settlers there at that time. The Whitington settlers were already British citizens. Of the others, there were a variety of nationalities however, on this occasion, only four chose to take the oath.

2654 Pascoe 2020 p. 175

2655 Hartnall, would eventually be convicted of stealing the ship, which belonged to George Whitington. *cf.* April, 1842

2656 *Geelong Advertiser* Victoria April 25th 1842. The Government, did not.

2657 *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843. This land had been reassigned by Vernet to Whitington in 1834 at the request of Langdon.

2658 *Accounts & Papers: Thirty Two Volumes 2 February – 24 August* 1843 vol.33 p.3. John Bull Whitington eventually established himself on land to the north of Port Louis, purchased from the British Government.

2659 *Ibid.* p.6

gauchos arrived from the camp, after being three weeks, with 100 head of cattle; but the poor old horses are in such a state, that I really imagine few of them will survive the winter; and, unless others are sent, it will be impossible to carry on the business of catching and taming the wild cattle. …

On the 30th of October last I gave permission to the capitaz of the gauchos to proceed in his vessel on a cruise for two months, and told him if he brought any horses, which he thought of doing, I would give 30 dollars a head for every one landed. He has not yet returned; and I am afraid that either some accident has happened to him, or that he does not intend to return.

I am now left with one Indian, a lad, and a woman called Antonina, whom I have been obliged these last two trips to send into the camp (she being willing), and therefore request that two other guachos may be procured, as the business of killing the cattle has much increased since the arrival of Mr. Whitington and his vessels, and have no doubt it will augment daily, as many vessels are expected to call at this port. …

The number of cattle in the settlement, including calves, is 230, and the average number killed weekly from six to seven. The sheep are looking remarkably well. …" [2660]

February 10th, in London, the Foreign Office writes to the Colonial Office.

"… measures are about to be taken for colonizing those (Falkland) islands, and that application will be made to Parliament in the course of the present Session, for a small sum as the means of defraying the expenses of the government to be instituted there." [2661]

March 3rd, in Buenos Aires, Britain's Minister is notified as to the intention to form a colony in the Islands. [2662]

"In a radical change from previous British policy, the government decided to colonise the islands, and on 3 March 1841 the decision was communicated to the British Minister in Buenos Aires." [2663]

March 5th, in England, John Onslow writes to the Committee on the Distressed State of the Scotch Islanders:

"The Consideration of the distressed State of the Scotch Islanders being now before you, I respectfully suggest, in the event of emigration being recommended, that they be removed to the Falkland Islands, about to be colonized, where the Climate is congenial to their Constitutions; the Fisheries, Sealing Trade, the Culture of the Land, Care of Sheep and Cattle, will be consistent with their Habits…

Since I retook them, whilst in command of Her Majesty's ship Clio, 1833, I have been in constant Communication on the Subject of their Colonization… Mr. Geo. Whitington, whom I furnished with my Remarks on the Falklands, has published a Pamphlet…" [2664]

"At this stage of the proceedings, Captain Onslow, who formerly commanded the Clio sloop of war, suggested that a number of the distressed persons in the Hebrides and Orkneys should be sent to the Falklands; and the Commissioners stated, that if the islands were to be colonized, there "could be no better class of persons so eligible as early settlers in the colony, as the inhabitants of the Islands and Western coast of Scotland."…" [2665]

2660 *Lieut John Tysen to Commodore Thomas Ball Sullivan February 6, 1841* in *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843

2661 *Stephen to Backhouse, February 10, 1841* in *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* 27 August 1840 p.15

2662 *FO 6/502/3*

2663 Pascoe 2022 vol.2 p.530

2664 *The Sessional Papers printed by order of The House of Lords* 1841 p.19.

2665 *The Colonial Magazine & Commercial-maritime Journal* vol.1 Aug-Dec, 1842 p.304

The Government responds:

> *"Sir, Lord John Russell having taken note of your proposal relating to a number of dispossed Scottish Islanders for consideration by the Colonial Lands and Emigration Committee, I have now been directed to inform you that the Committee has informed that it considers the measure to be a desirable step but which, due to the lack of any funds applicable to this service, His Honour can see no prosect of the proposal being carried out."* [2666]

March 22nd, in London, George Whitington writes a letter of complaint to the Admiralty.

> *"... that foreign vessels still come (to the Falklands) with impunity, and leave men for weeks at a time on the different islands, to hunt, whale and seal, destroying everything they can meet with during the breeding season, and annihilating the young, although then of little value. Lieutenant Tyssen, ... only possesses the power of warning them off civilly, which he has done so frequently, that they laugh at his warnings and set him at defiance. ... his orders and powers are insufficient to prevent it;.. in mere wantonness the crew of one American vessel killed 2,000 wild hogs merely for their skins;... You will of course take the necessary steps to prevent the further continuance of these evils. ..."* [2667]

March 30th, the Colonial Land and Emigration Commissioners make extensive recommendations regarding a formal colonisation of the Falklands. [2668]

> *"We would first venture to recommend that the attention of the Lords of the Admiralty should be directed to the selection of the Port which their Lordships may consider the most convenient for the Resort of Her Majesty's Ships. Round that Port it would be desirable that the future Capital of the Settlement should be laid out. ... The Lords of the Admiralty will undoubtedly have before them sufficient information from the Reports of the different Officers who have visited or been stationed at these Islands, to enable them to form a decision on the Point... We think next that the proper Civil Officer for carrying on the Government and administering Justice provided that Parliament had granted the means of paying their Salaries, ought to be appointed, ... With regards to the Chief Town we should recommend that, in addition to the spots which may be reserved for Naval Purposes, and also exclusive of the portions set apart for Public Works, Streets and Squares, there should be laid out 500 acres in portions of half an acre each, and that they should be offered to the Public during the first year of the settlement at the rate of £50 each section..."* [2669]

One of the suggestions with regard to the wild cattle is that; *"The entire right of Property in them, and management of them should be sold or leased to a Company."* [2670]

The Commissioners also suggest that marines should be posted to bring law and order to the Falklands. [2671]

> *"... as the Colony of the Falklands is acquired by discovery & occupation, we apprehend it will stand in the same relation to this Country as the settlement in New Holland, and that with respect to the formation of a local Government, the same course must be taken as has been pursued in the case of*

2666 Quoted in Canclini 2014 p.32 citing *PRO CO 78* p.125. No date provided

2667 *Papers relative to the Falkland Islands:* 27 August 1840 pp.17 &18. George Whitington had, presumably, received a complaint from his brother.

2668 It is worthy of note that, with the single exception of a reference to Onslow, the Commissioners appeared to rely heavily upon the writings of Capt. Fitzroy. They did not appear to be aware of Capt. Grey's survey of November, 1836.

2669 *CO 78/4*

2670 See 1844 & 1846

2671 *Sessional Papers of the House of Lords* 1841

those Colonies. We understand that in Colonies so acquired, the Crown cannot exercise a legislative power over the British Subjects who may settle in them. They ... continue under the general law of England, and any Laws or Regulations specifically applicable to the Colony, can only be made by the Authority of Parliament. We therefore presume that this sanction is necessary in the present case, before the Crown can confer a power of local legislation, and institute a Court of Justice." [2672]

April 30th, the Commission's proposals are submitted to the Treasury.

"On the 30th April 1841 Lord John Russell caused certain proposals for forming an establishment at the Falklands, to be submitted to the Lords Commissioners of the Treasury, and informed their Lordships that, if those proposals were concurred in, it was his intention to propose to Parliament a Bill, giving legislative power to the governor for three years." [2673]

June 29th, Capt. John James Onslow writes to the British Government to say that he is willing to take charge of a colony in the Falkland Islands. [2674]

July 3rd, from Rio de Janeiro, Rear-Admiral King writes to the Board of Admiralty in London with regard to Lieut. Tysen's experiences in the Falkland Islands.

"... the increasing number of residents, the disputes that are daily occurring, respecting the the whale and seal fisheries, between the settlers and the American vessels resorting there, as well as the great concourse of merchant ships of all nations calling at Port Louis for refreshments, and in pursuit of traffic, together with the lively interest the settlement is rapidly creating, may probably induce their Lordships to take into consideration whether the time may not be now arrived when it would be greatly conducive to the prosperity of the islands and beneficial to the public interests, to colonize them under a properly-constituted government, suitable to their peculiarities, with judicial authority to settle all questions of landed and other property, which cannot fail to arise where a great number of persons of different descriptions are collected." [2675]

July 19th, the Treasury agree with the Commission's suggestions; *"... the Lords of the Treasury expressed their concurrence in the suggestions thus made to them, which involved an annual expenditure of 3,750/., but we believe that at that late period of the session the Bill which had been contemplated was not brought before Parliament."* [2676]

August 20th, in London, Lieut. Richard Moody, an engineer, is appointed Lieutenant-Governor at the Falklands, with his instructions provided by Lord John Russell. [2677]

"... First, as to the definition of your powers. The difficulty here is, that as you are to preside over a settlement to which Her Majesty's title rests on the ground of prior occupation merely, the general rule is, that the colonists there carry with them the law of England, so far as it is applicable to their situation. Now the law of England supposes a legislature composed, in part at least, of the representatives of the people, and courts of justice formed on the model of those of England; but the

2672 *CO 78/4.* New Holland was then the name for Australia.
2673 *Accounts and Papers 1843* vol.4 p.42
2674 Canclini 2014 p.32. See August 31, 1841 below. Onslow would seem to have been on the reserve list, without a command, and therefore on half-pay. Eventually given the command of *Daphne*.
2675 *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843
2676 *Accounts and Papers* 1843 vol.4 p.42.
2677 *The Globe* Saturday August 21, 1841

Falkland Islands do not at present afford the means of representative institutions: courts of justice may before long be established; but we have not sufficient information to enable us to point out in what manner this can best be effected. Without the sanction of Parliament Her Majesty cannot, in the exercise of her prerogative, provide any substitutes either for a legislature or courts of justice. But you will turn your attention, immediately upon your arrival, to the means of administering law and justice within the colony. You will inform the inhabitants of the Falkland Islands, by proclamation, that the law of England is in force within the islands; you will ascertain whether there are any persons in the islands fit to be entrusted with the functions of judges or magistrates..." [2678]

"This officer is one of the most talented of the very many that corps (Royal Engineers) can boast of." [2679]

"The Gazette... then proceeded to announce the appointment of two lieutenant-governors of British colonies – one of which is nothing less than the dreary Falkland Islands, which are claimed ... by the Republic of Buenos Ayres, and at all events for which a resident was previously deemed amply sufficient, he and his family constituting almost the only human beings permanently resident on the islands..." [2680]

August 26th, Moody is instructed to consider changing the location of the Islands' principle settlement.

"... having consulted the Lords Commissioners of the Admiralty in regard to the selection which it might be proper to make a port in the Falkland Islands for the resort of Her Majesty's ships, the Lordships have appraised me that Port William is a safer and more convenient harbour than Berkeley Sound..." [2681]

August 31st, the Colonial Land and Emigration Commissioners write to Capt. John James Onslow regarding his proposal of June 29. To say that the position has been filled. [2682]

September 8th, from London, Argentina's Minister Moreno writes to Buenos Aires, expressing the hope that a change in the English administration could lead to a solution of the dispute over the Falklands. [2683]

September 10th, from Buenos Aires, Minister Mandeville reports to London.

"I was apprehensive that some difficulty might be made on the part of the Government to allow the purchase of Horses for Exportation... but so far from any impediments being thrown in the way of executing the Admiral's orders, every facility has been granted for conveying them into effect:- and General Rosas sent me word soon after I had requested permission for the purchase of the horses and leave to embark them, that if there should be any difficulty in procuring horses...

He would furnish me with the quantity required. Twenty horses and some sheep sailed from this Port for the Falkland Islands on the 7th..." [2684]

2678 *Lord John Russell to Lieut. Gov. Moody August 23, 1841*. Also *Accounts & Papers: Thirty Two Volumes 2 February – 24 August* 1843

2679 *Naval & Military Gazette & Weekly Chronicle of the United Service* Saturday August 28, 1841

2680 *Northern Standard* Saturday August 28, 1841. Moody's appointment was not actually *gazetted* until June, 1843.

2681 *Lord J. Russell to Lieut. Governor Moody Aug 26, 1841* in *Accounts and Papers* 1843 vol.4

2682 Canclini 2014 p.32

2683 Caillet-Bois 1982 (6th ed.) p.362 citing *M. Moreno to Felipe, September 8, 1841, in Archivo General de la Nación, Buenos Aires, División Nacional, Sección Gobierno, Inglaterra, Ministro y Consul*

2684 *Mandeville to Palmerston September 10, 1841* in *FO 6/502/11*. The purchase and export of horses was, at that time, restricted by law due to the demands of the Army.

September 11th, at Port Louis, Andrez Petaluga (Pitaluga) is appointed *capataz* (foreman) of the gauchos in the Falklands. [2685]

In Buenos Aires, on the same day, Luis Vernet is granted the patent for an invention that preserves hides; granted for an initial period of six years. [2686]

October 9th, Spain and the Oriental Republic of Uruguay agree a *Treaty of Recognition, Peace and Friendship*.[2687]

"No-one remembers an 1841 treaty signed between Spain and Uruguay. In that treaty Spain cedes the naval base's powers (to Uruguay)..." [2688]

October 12th, in the UK, having departed Woolwich three days before, Lieut. Governor Moody, with a detachment of Royal Sappers and Miners (one Sergeant, two corporals and nine privates) and their families (three wives and seven children) sails from Gravesend in the brig, *Hebe*. [2689]

"His budget was insufficient to meet the expenses of the trip to the Falklands, so he had to borrow from relatives, but eventually the Hebe set sail..." [2690]

October 14th, at Port Louis, Capt. Rob Russell in *Actaeon* arrives with horses and supplies for the settlement.

"On my arrival here I ... found its inhabitants to consist of 27 men and women and 12 children."

October 27th, for £80, a sealing licence covering Seal Rocks "*off the Volunteers*" is sold to Charles Melville. [2691]

October 30th, in London, the Great Storehouse at the Tower is destroyed by fire.

Lieut. Clayton's lead plate declaring British sovereignty - posted at Fort George on Saunders Island in 1774, stolen and removed to Buenos Aires by Juan Callejas in 1776 and returned to England by General William Beresford in 1806 - is lost with the building. [2692]

> *Be it known to all Nations, That Falkland's Island, with this Fort, the Storehouses, Wharfs Harbours, Bays and Creeks thereunto belonging, are the sole Right and Property of his Most Sacred Majesty George the third, King of Great Britain, France and Ireland, Defender of the Faith. In Witness whereof this Plate is set up and his Britanick Majesty's Colours left flying as a mark of possession by S. W. Clayton, commanding officer at Falkland's Island. A.D. 1774* [2693]

2685 *The first Pitaluga to arrive in the Falklands:1838* in *MercoPress* February 1, 2012 citing an article by N. Pitaluga.

2686 Caillet-Bois 1982 (6th ed.) p.191 fn.13. A further patent in 1850 allowed Vernet to rebuild his fortune.

2687 *Tratado de Reconocimiento, Paz, Amistad, Navegacion y Comercio y articulos adicionales* Madrid 1841 in *Tratados y Convenios Internacionales: suscritos por Uruguay en el periodo Mayo de 1830 a Deciembre de 1870* 1993 pp.611-617. Occasionally claimed as recognition by Spain that the Falklands belonged to Uruguay. However, while the treaty was ratified by Uruguay, it was not ratified by Spain. It would be 1882 before a treaty of peace and friendship was ratified by both nations.

2688 *Las Malvinas, ¿son uruguayas?'* Juan Ackerman & Alfredo Villegas 2013. After 1806, Montevideo's naval base had administered the Spanish garrison on East Falkland (Soledad) Island. Montevideo was also the location of the last seat of Spain's Viceroyalty de la Rio de la Plata (1810 – 1814), not Buenos Aires. *cf.* 2013

2689 *CO 78/4.* One Private James Briggs was among the detachment, with his wife Margaret. Their descendants can be found in the Islands today. As may the descendants of Thomas Yates, also a member of this platoon. By trades, the party had quarry men and miners, carpenters, builders, smiths and a mason. Led by Sgt. Robert Hearnden.

2690 Pascoe 2022 vol.2 p.531

2691 *FO 97/541.* After arriving with Lieut Smith in 1834, Melville had elected to remain when his service was completed in 1838. Melville also held a licence to take seals from the Volunteer Rocks.

2692 Philpott 1992. See also Falklands Wars vol.1. The plate is also often referred to as a '*plaque*'. *cf.* 1774, 1776 & 1806

2693 One of the marks and signs of sovereignty left by the withdrawing British garrison (the others were two Union flags). An announcement of British sovereignty more than 40 years before Argentina existed.

November 5th, in the Falklands, Manuel Coronel - last of the gauchos taken out to East Falkland Island by Luis Vernet in 1826 - dies in an accident. He is buried at Port Louis three days later. [2694]

December 4th, in Washington DC, the US Government finally replies to General Alvear's 1839 demand for compensation arising from the actions of the USS *Lexington* in 1831.

> *"... it is notorious that Great Britain soon afterwards entered upon and has ever since continued in formal and actual possession of that territory, claiming under a previously existing right. The right of the Argentine Government, therefore, to jurisdiction over it being contested by another power, and upon grounds of claim long antecedent to the acts of Captain Duncan which General Alvear details, it is conceived that the United States ought not, until the controversy upon the subject between those two governments shall be settled, to give a final answer to General Alvear's note,.."* [2695]
>
> *"The right of the Argentine Government to jurisdiction over it (the territory of the Falkland Islands), being contested by another power (Great Britain), and upon grounds of claim long antecedent to the acts of Captain Duncan which General Alvear details, it is conceived that the United States ought not, until the controversy upon the subject between those two Governments shall be settled, to give a final answer to General Alvear's note, involving, as that answer must, under existing circumstances, a departure from that which has hitherto been considered as the cardinal policy of this Government."*[2696]

"... that the United States would not change its attitude until England returned the islands to the rightful owner. Otherwise it would have meant departing from what Webster deemed a "cardinal policy" of the United States, referring in this way to the non-interventionist policy of that State. Without ignoring the skill of the position chosen by Webster, the attitude of the US Chancellery cannot fail to bewilder, (as it) exhibited arguments of a debatable nobility, thus avoiding facing the (question of) compensation and reparations justly due after the unjustified aggression of the Lexington. And as far as the application of the Monroe doctrine is concerned, it is no less true that the example given was, without doubt, instructive. He (the USA) had encouraged English diplomacy to take over the islands and then, when the occupation became effective, he folded his arms without raising his voice against what, without discussion, was an obvious usurpation. The United States, through the mouth of its leaders, thus took a step that was far from appearing clad in the nobility, disinterest and justice demanded by its prominent position in the concert of nations ..." [2697]

"The American answer was absurd and only an artifice to delay the matter. The sovereignty dispute had no bearing on the obligation to repair damages to the party that suffered them. USS Lexington caused grievous material damage to buildings and goods built or provided by the Argentine government. It is the country that suffered the damages that has to be compensated for them, irrespective of the territory on which the damage took place." [2698]

2694 What sort of accident was not recorded. His son of the same name, by the slave Carmelita, was noted as still on East Falkland in both 1846 and 1851.

2695 Quoted in Manning 1932. Also Fitte 1966 p.421. Webster had been appointed as US Secretary of State in March, 1841 following a change of Administration. Whether the Secretary's office had ever received a copy of the requested Buenos Airean fishing regulations is unclear. *cf.* 1839.

2696 Quoted in *A Digest of the International Law of the United States, taken from documents issued by Presidents and Secretaries of State and from Decisions of Federal Courts and Opinions of Attorneys-General* F. Wharton 1887 vol.1 p.65

2697 Caillet-Bois 1982 (6th ed.) p.374. The Monroe Doctrine (see 1821) had not included the Falklands (see 1823 & 1886).

2698 Peña & Peña 2018. Wrongly attributed to 1844. None of Vernet's funding came from public sources. His had been a purely private venture up until 1829, and was not supported financially by Buenos Aires between 1829 and 1831, when Vernet left. None of the building had been provided by Argentina. None of the buildings had been damaged by Duncan.

December 18th, in London, Argentina's Minister Moreno submits a further protest to the Foreign Secretary.

"The Undersigned, Minister Plenipotentiary of the United Provinces of Rio de la Plata, has the honour to address his Excellency the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, with the view of calling to His Lordship's memory the discussion pending between the Govt. of the United Provinces, and that of Her Britannic Majesty respecting the sovereignty of the "Islas Malvinas" denominated by the English the Falkland Islands especially respecting the Island "del Este", or Soledad, and Port Luis (sic), of which the British Govt., took possession on the 5th of January, 1833, thereby despoiling the United Provinces of that ancient territory and legitimate possession of the Republic. The Undersigned, in the performance of his duty, and in obedience to orders received from his Government to proceed with the discussion of this subject, and to press it, upon the attentive consideration of Her Majesty's Government, feels persuaded that, in the present state of the question, he is relieved from any other duty than that of referring to the proofs contained in the papers produced in the course of this discussion, namely, the protest in the name of the United Provinces, of the 17th of June, 1833; the answer of Viscount Palmerston, then Minister to His Majesty, dated the 8th of January, 1834, and the reply of the Undersigned, of the 29th of December of the same year, in which are set forth with due care, and at full length, the principles and bases of the rights involved in this case. But it may be permitted to the Undersigned to state summarily that the spoliation of which the United Provinces complain, refers:

1st. To the sovereignty and dominion of the Malvina Islands, particularly the Eastern Island, or Soledad, and Port Luis;

2ndly. To the legal, bonâ fide, and peaceable possession enjoyed by them for more than half a century of the said Eastern Island, or Soledad, and Port Luis; two points which it is of consequence to avoid confounding, as the complete possession, evidently protected by the best titles and most just right (that is, the purchase from France by a public and well-known contract, the subsequent colonization and cultivation, and, finally, the creation and collection on the spot of property, buildings, and cattle) must give to the United Provinces an incontrovertible right to an immediate and equitable compensation.

The Undersigned may be also permitted to say, that while the note of Viscount Palmerston, the Minister who directed the spoliation complained against, presents nothing but vague and erroneous ideas and assertions in regard to the question of the Malvinas, his Excellency mistaking the geography of the islands, and appearing to assume that the Eastern Island, or Soledad, at all times in possession of the Spaniards, which is 130 miles long and 80 miles broad, is, or has been, a dependency of the Western Island, or Port Egmont, which is only 100 miles long, and about 50 broad; the Government of the United Provinces confirming, on every occasion, the indisputable titles which it produced in its protests of the 17th of June, 1833, and the 29th of December, 1834, has never desisted from declaring, in its annual messages to the Legislature of the State, its great regret that it has not hitherto obtained that satisfaction to which it believes itself entitled, and which it claimed in vain from the preceding Administration.

The Undersigned having thus fulfilled the orders which he has received from his Government, deems it his duty to close this note in the words of his last communication; "This claim is founded on rights so evident, that the Government of the United Provinces does not doubt that it will be attended to without delay, by His Britannic Majesty's Government, acting in conformity with the principles of justice by which it is characterized." ..." [2699]

2699 See https://falklandstimeline.files.wordpress.com/2012/02/1841-moreno-protest.pdf

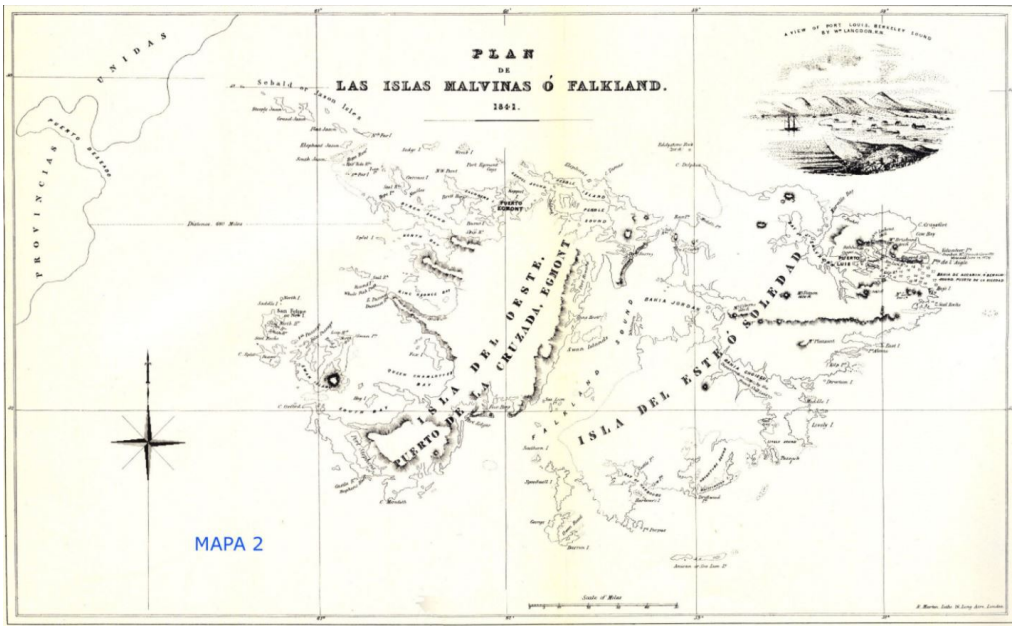
"., Moreno took the view that the British note of 8th January, 1834, had mistaken the geography of the archipelago: it seemed to assume that East Falkland Island, which had always been Spanish, was a dependency of West Falkland Island (Port Egmont), whereas the former island was 130 miles long by 80 miles broad, and the latter only 100 miles long by 50 miles broad.." [2700]

"In the years 1833 and 1834, the Argentine Confederation had made several diplomatic protests by letter against British possession of the Falklands. There were altogether three sets of diplomatic protest, in 1833-4, 1841-2, and in 1849, after which there were no more. During the seven years after Manuel Moreno's letter to the Duke of Wellington on 29 December 1834, Argentina did not raise the matter of the Falklands again formally to Britain,.." [2701]

December 23rd, in the Falkland Islands, a British missionary, Allen Francis Gardiner, arrives at Port Louis where he erects a small wooden hut that he has brought with him from Valparaiso. [2702]

"Captain Gardiner, wanting to do something for the sailors and others who did not want to bother going to the Government House, held evening services in the house of a settler, a singular woman, named Antonina (Roxa), for a few weeks. But, although at first, several people attended, their number gradually declined and the services stopped." [2703]

December 24th, in London, Moreno's protest is passed to the Colonial Office, accompanied by a map.



"As before, his history was faulty in that no one had ever possessed East Falkland for more than half a century, and Spain flatly denied having bought the islands from France."[2704]

December 26th, Ambassador Moreno informs Buenos Aires that he has asked Casimiro Rufino Ruiz to obtain a copy of the *'secret convention'* that Moreno believes was agreed between England and Spain in 1771. [2705]

2700 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490.* The area of West Falkland is 1,170 square miles while that of East Falkland is 2,550 square miles. However, traditional cartography had generally depicted the western island as far larger than its eastern counterpart. See https://falklandstimeline.wordpress.com/charts/ The relevance of size when it comes to dependency, is not immediately clear.

2701 Pascoe 2022 vol.2 p.532

2702 Remaining until March 22, 1842 when he moved to Tierra del Fuego to preach to the Indians. See - https://www.falklandsbiographies.org/biographies/gardiner_allen

2703 Canclini 2014 citing *A Memoire of Allen F. Gardiner, Commander, RN* John Marsh 1857 p.219

2704 Pascoe 2022 vol.2 p.532.

2705 There was nothing to find, as Spanish historian Martin Navarrete had discovered. See October, 1833, above.

"Another informant member was Casimiro Rufino Ruiz, who was given, among other things, the precise task of copying the "secret agreement"." [2706]

"The unhappy Rufino set forth half-heartedly to look for a needle in a haystack, eventually returning empty-handed for his pains." [2707]

December 27th, in Buenos Aires, Felipe Arana and Manuel Insiarte send the Government's annual message to the *Legislatura de la Provencia*, at its opening ceremony; *"The Government perseveres in its duty to uphold the just rights of the Republic to the territory of the Malvinas Islands..."* [2708]

December 29th, in London, Lord Aberdeen acknowledges Minister Moreno's protest; *"The Undersigned has the honour to acquaint M. Moreno that he has referred his note for the consideration of the proper Department of Her Majesty's Government."* [2709]

December 30th, Gen. Alvear, who is not in Washington DC, acknowledges Secretary Daniel Webster's letter of December 4th. Alvear requests an interview. [2710]

1842 – January 3rd, in Washington DC, Minister Alvear and Secretary Webster meet.

> *"Introduced into his presence, I expressed to him that my instructions were strictly to demand of the Government of the United States a satisfaction for the events on the Falklands, with a consequent indemnification to the injured (parties), and that I was not authorized to debate on that proposal...*
>
> *The Secretary of State answered me, that ... it was intended to strengthen, as soon as possible, the friendly relations between the two countries.*
>
> *I replied that I was flattered to see the sentiments raised by Mr. Webster, but if he'd allow me to observe that, pending the question with England concerning the unjust possession of the Falkland Islands, I could not see the reason why the matter of Captain Duncan could not be disapproved by the Government of the United States; being an act that had nothing to do with the other, I note that it had been executed when the Argentine Government was in full and peaceful possession of the islands.*
>
> *The Secretary of State replied: that he looked at the question from other points of view; that although it was true that the Argentine Government believed itself to be in possession of the islands at those times, he did not consider it so, since the Charge d'Affaires of His Britannic Majesty had made a protest about the occupation of the islands and there had it been declared to have England entitled to its possession, it was clear that this right was in doubt; and that since the doubt manifested itself, it was not within the principles of the United States Government to involve itself in this question, ..; that in the meantime the principles consistently observed by the American Government were to maintain strict neutrality.*
>
> *I replied to Mr. Webster, that even assuming doubt about the right to the islands, the insult of Captain Duncan, had been made to the Argentine flag, and that, as to this, there could be no doubt at all.*

2706 Caillet-Bois 1982 (6th ed.) p.362 citing *Comisión al Snr, Don Casimiro Rufino Ruiz a su regreso a España.* Ruiz subsequently noted that his enquires ascertained that the documents for the period were concentrated at the Samancas archive, but that no '*secret agreement*' existed. "*A useless journey.*"

2707 Peña & Peña 2018

2708 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 p.21

2709 Quoted in *British & Foreign State Papers 1842-1843* vol.31 p.1005

2710 Manning 1932 p.228. Also Fitte 1966 p.423

Mr. Webster replied that the proposal he made in his note to the Argentine Government was to leave this question for later and not to decide now: that if I was not authorized to accept it, I should communicate it to my Government: to see that the United States Government wished to return to the (amicable) state of relations that both countries had before: that he would tell me, however, that the affair of Captain Duncan had been an unfortunate event; but, finally, it was not a question of deciding this issue now.

Answer: I would tell my Government ..; but that I should be allowed to observe one thing, and that (was that) Argentine Confederation did not recognize nor (would) recognize any right in any ship's commander, of any nation, to interfere in matters that should be vitiated by the Governments, regardless of that which they would actually decide...” [2711]

January 4th, Gen. Alvear informs Foreign Minister Felipe Arana of his conversation with the US Secretary.

“On reflection ... (there) is a desire on the part of the Government of the United States to let this matter sleep, perhaps also with the conviction that England will never depart from the Malvinas Islands, and that the proposal is to assist, both the Argentine and the American government, out of the embarrassing position in which they are (put in) by this business.” [2712]

“... it was intended to wait for the outcome of the sovereignty of the Islands, occupied for eight years by England, and it seems that this suggestion was accepted by the Argentine Government, to whom General Alvear referred it in his note January 4, 1842,..” [2713]

January 5th, from London, Manuel Moreno informs Buenos Aires of the British Government’s acknowledgement of his note. And that it is to be considered by the colonial authority.

January 6th, the Colonial Office circulates its findings with regard to Moreno's recent protest.

“Lord Stanley fully concurred in the course which had hitherto been pursued by the Foreign Office in asserting and maintaining the rights of this country to the sovereignty of those islands, and that in view of the measures recently adopted by the Colonial Office for establishing a regular system of colonisation, he considered it absolutely necessary to insist most positively on the validity of those claims. His Lordship, therefore, suggested that such an answer should be returned to Senor Moreno as might point out to him the intention of Her Majesty's Government to continue to exercise the rights controverted by the Argentine Government. ...” [2714]

January 15th, in the Falklands, Lieut. Governor Richard Clement Moody arrives at Port Louis in *Hebe*. [2715] The detachment of Sappers and miners make their way ashore.

“Sergeant Robert Hearnden and eleven rank and file, ... The men were volunteers and of trades suitable to the experiment of improving an old but neglected settlement. They were armed with percussion carbines, carrying a sword with a serrated back, which was affixed to the piece when necessary as a bayonet.” [2716]

2711 Quoted in Fitte 1966 (pp.424-426). *cf. 1866*

2712 Fitte 1966 p.425. Alvear also reported that Silas Duncan had died. The US Secretary's suggestion that the question of 1832 be set aside, appears to have been accepted. *cf.* 1845, 1853 & 1866

2713 *Dominguez a Ortiz 25 de abril, 1884* in Fitte 1966 p.459

2714 Bernhardt 1911. Original note in *FO 6/502/24*. Stanley (elevated 1844) was Secretary of State for War and Colonies

2715 *Lieut. Governor Moody to Lord Stanley Jan 16, 1842* in *Accounts and Papers* 1843 vol.4. Also *CO 78/5*

2716 *The History of the Corps of Royal Sappers and Miners* Thomas W. J. Connolly 1855

"Now in establishing an administration Whitehall instructed Governor Moody that his government must be: "One of influence, persuasion and example, rather than direct authority; but in the exercise of moral rather than legal power, you must of course be guided by your own discretion, rather than by any precise instructions". These were pretty wishy-washy orders, but as he was only allocated £2,000 (of which £600 was his own salary) the Governor did not have funds to throw around but when he landed, the future of the Falklands was still far from clear." [2717]

"The size of Moody's party, though it consisted of a mere 22 people, marked the acceptance by Britain for the first time of a definite commitment to the islands." [2718]

On the same day, HM ketch *Sparrow* (Halloran) returns to Port Louis.

January 17th, *Susan* (Alley), which had brought Whitington's settlers from England, sails for Rio de Janeiro.

January 20th, Tyssen and Moody inspect Port William.

> *"Assisted by Lieutenant Tyssen, I continued my inspection of the port, landing at many points, and turning the ground to examine the nature of the soil and subsoil. While we were thus employed, Mr. Halloran, the master of HM ketch Sparrow, was enagged in sounding the harbour, and in particular the entrance and inner water of the lagoon.*
>
> *After a careful inspection of the port, and consideration of the subject on every point, I am of opinion that Port William is much better adapted as the site of the chief town than Port Louis, but I did not consider it advisable for me to act upon this conviction, and fix my residence there at once.*
>
> *From the lateness of the season, which would not afford me sufficient time to settle myself and party before the winter commenced. I was, moreover, desirous of availing myself of the short time which remained before it would become necessary for HM ketch Sparrow to sail for Rio de Janeiro to visit in her as much of the islands as possible. Lieutenant Tyssen being ready and obligingly anxious to afford me every assistance in his power."* [2719]

"(Moody) lost no time in setting off from Port Louis for Port William on horseback, with the senior naval officer Lt Tyssen. Meanwhile, Her Majesty's ketch Sparrow, sailed around from Berkeley Sound, carrying a detachmet of Royal Sappers and Miners." [2720]

January 22nd, at Port Louis, Moody takes command; addressing all 62 adult members of the population. [2721]

> *"I formally landed, under a salute from Her Majesty's ketch Sparrow, was received at the beach with due honours by Lieutenant Tyssen, and proceeded to the Government-house, where the few residents being assembled, I addressed myself to them, explaining as much as I thought proper of the views of Her Majesty's government concerning these islands, in so far as I have had the honour to be informed.*
>
> *The only points upon which I deemed it necessary to lay any stress were, first, to remove the erroneous ideas that might still linger in the mind of any one concerning Mr. Vernet's fancied claims upon Great Britain; I have been given to understand that some of the residents have claims upon Mr.*

2717 *Wishy washy orders and £1,400 to spend* in *Penguin News* February 5, 1993
2718 Pascoe 2020 p.176
2719 *Lieut. Governor Moody to Lord Stanley* February 21, 1842 quoted in *Penguin News* February 13, 1993
2720 *Penguin News* February 13, 1993
2721 A census from January, 1842 is reproduced in full in Pascoe 2022 vol.2 Appendix B.4. It only includes those present before the arrival of *Hebe* and totals 49 individuals. Of these, only 10 had been present for the 1838 census.

Vernet, many of his paper dollars being in their possession, and some even in the Government treasury of the colony, handed over to me by Lieutenant Tyssen.

The 2nd point was to dispel the dread they appeared to entertain of my being sent to make great changes by which they would all become sufferers. I hope that their fear no longer exists, as I took some pains to explain to them that the views of government contemplated their welfare, peace and security." [2722]

"Most were from England and Scotland, including 17 who came with J. B. Whitington, but there were other individuals from the Cape Verde Islands, Ireland, Bermuda, Denmark, Germany, Gibraltar, France, Buenos Aires, as well as several children born locally." [2723]

"... Lt. Governor Richard Moody in 1842, noted five colonists born in Ireland." [2724]

A French whaler, *Fannie*, out of Havre, anchors in Berkeley Sound.

In **February**, in Buenos Aires, a representative of *Baring Brothers Bank,* Palicieu Falconet, arrives to demand settlement of the outstanding debt from the 1824 loan.

"... payments had been suspended for fifteen years. The debt amounted to 1,900,000 pounds, or 9,500,000 pesos, which, at the time of the change, amounted to more than 200,000,000 pesos in common currency; That is to say, that the debt exceeded the total amount of the government budget by almost five times, since in 1842 it was 43,000,000 pesos common currency." [2725]

"General Rosas ordered Manuel Insiarte, the minister of finance, to convince Falconet of the desirability of dropping Argentina's claim to the Falklands in exchange for annulment of the debt, and to request that Falconet should assist Moreno in London to promote the idea to the British government. Accordingly, Insiarte attempted to prevail upon Falconet to carry out that request." [2726]

February 11th, in the Islands, Lieut. Governor Moody visits West Falkland in HM ketch *Sparrow*.

February 12th, at White Rock Harbour, Lieut. Tyssen discovers two deserters from the brig *Enterprise* (Green), Henry Whiteman (18yrs), of Great Britain and Samuel Profit (24yrs), an American. [2727]

"That on the 18th or 28th of December, 1840, they left the American brigantine Enterprize, John Green, master, in company with another seaman named John Bray, that, to the best of their knowledge, they landed with the brigantine's dingy in Queen Charlotte's Sound, West Falkland; that the cause of their leaving said brigantine was discontent at their treatment; that John Bray, after various disagreements amongst themselves, separated from them about two and half months after their landing; that they subsisted on the wild fowl of the island, seals, roots of the tussock (daily), and the berries of the heather; that they were healthy and did not experience any very severe weather (in comparison with the winters in the United Staes); that, with the exception of two days, they ate their victuals raw, being unable to procure fire; that at times they were attacked by the warrahs or foxes, and killed 12 of them." [2728]

2722 *Lieut. Governor Moody to Lord Stanley* March 5, 1842 in *Accounts and Papers* 1843 vol.4. Also *CO 78/5*. *cf.* Royle 1985.

2723 Bernhardson 1989 p.262

2724 *The Irish in Falkland/Malvinas Islands* Edmundo Murray in *Irish Migration Studies in Latin America* 2005 (updated June 2019)

2725 Rozas 1948. Nothing had been paid since 1827.

2726 Pascoe 2022 vol.2 p.552. See December, 1842 below.

2727 *CO 78/5.*

2728 Statement taken by Lieut. John Tyssen. See *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843 p.15

February 13th, Moody sails to Port San Carlos.

> *"During these three days the weather was very fine, and I was enabled to inspect some portion of this part of East Falkland with great care. There were many cattle in the neighbourhood, and the land in many places is of excellent quality."* [2729]

Two American ships are anchored in North Harbour at New Island. A Barque, *White Oak* under Capt. Fitch, and a Brig, *Somerset*, commanded by Capt. Beck.

February 15th, in London, Lord Aberdeen responds to the December, 1841 protest of Minister Moreno.

> *"Her Majesty's Government could not recognise in the Argentine Government any pretension to disturb a formal arrangement between Great Britain and Spain, an arrangement which had been concluded forty years before the period from which Buenos Ayres dated its separation from the mother country; and an arrangement which Great Britain had ever since regarded as definitive, upon the question of her right to exercise sovereignty over the Falkland Islands, which right Spain herself had never evinced a disposition to disturb or call into question; …"* [2730]

"… Senor Moreno was thereupon informed that Her Majesty's Government had attentively considered the various documents which had emanated from the Governments of Great Britain and Buenos Ayres upon the subject of the Falkland Islands, and it appeared to Her Majesty's Government … that consequently the right to the possession of the Falkland Islands which was confirmed by Spain to Great Britain in the Arrangement of 1771, remained unimpaired. …" [2731]

"Her Majesty's Government saw nothing to alter in their views. Senor Moreno was informed that a permanent system of British colonization was to be established in the Falkland Islands and that Her Majesty's Government were determined not to permit any infringement of the undoubted rights of Britain there." [2732]

"… facts that history documents extensively and irrefutably were silenced. It is hard to believe, however, that such a phrase was written by an English statesman of the magnitude of those who intervened in the discussion. So that, when he speaks of "formal settlement", there is only the recourse to believe two things: either the signing Minister speaks of facts about which he does not have clear and precise information, or else – and this is most likely – to distort the issue with the deliberate purpose of putting an end to a discussion that was proving somewhat annoying to them…" [2733]

On the same day, an American whaling Brig, *Frances*, is wrecked on the north-west coast of New Island.

"…the vessel on that night was making the said Island for the purposes of remaining and refreshing the crew. All the persons on board but one colored man who was unfortunately drowned, reached the land in safety." [2734]

"… 8 distressed seamen from a wrecked vessel of the United States reported themselves to me at the Government House, Port Louis…" [2735]

2729 Quoted in *Penguin News* February 20, 1993
2730 From Bernhardt 1911. Also Groussac 1910 p.53 and Field 1928 para.135. Original draft in *FO 6/502/26. cf.* 1771
2731 Bernhardt 1911.
2732 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
2733 Caillet-Bois 1982 (6th ed.) p.363
2734 Statement of Henry Holt in *FO 78/5.* See also *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*
2735 *Moody to Stanley March 17, 1842* in *FO 78/5.* These men had arrived at Port Louis on March 15th, while the vessel's captain remained at North Harbour aboard *White Oak.* Six members of the crew guarded the wreck site.

February 16th, in London, Minister Moreno requests an interview with Lord Aberdeen. However, before obtaining a response, he publishes his protests and the responses received since 1833 - for public consumption.

"... he had no instructions to publish the correspondence between Your Lordship (Aberdeen) and this Gentleman (Moreno), which His Excellency (Rosas) informed me he had done, - that the Governor was extremely displeased with him for the publication of it, ..." [2736]

In the Falklands, HMS *Arrow* sails into Berkeley Sound, Lieut. Robinson commanding. [2737]

> *"I feel greatly indebted to Lieutenant Robinson for the manner in which he took every pains to put me in possession of the local knowledge he has of these islands; and he has greater advantages in that respect than any one else, from being always on the move among them, carrying on the valuable nautical survey. From Mr. Bodie I also gained much information concerning the numbers of wild cattle, ... He thinks that the number of the wild cattle are about 30,000;..."* [2738]

February 17th, Lieut. Governor Moody sails down the strait to Sussex Harbour.

February 18th, Moody climbs to the top of Mount Usborne.

> *"The view from the summit being very extensive in every direction, and the day remarkably fine, I was enabled to obtain a good knowledge of the general features of the country. With my glass I also saw many herds of wild cattle; at one time during our ascent we were quite surrounded by them"* [2739]

February 19th, Governor Moody moves on to Port Howard in West Falkland.

In London, after a request to meet with Lord Stanley is rejected, Minister Moreno writes to Lord Aberdeen. [2740]

> *"... he could not conceal his sorrow at the conclusions which Her Majesty's Government seemed to deduce from the incontestable proofs on which the Argentine Republic had founded their right to the Falkland Islands."*

"... in his note of the 29th December, 1834, he had stated in the most explicit manner that the arrangement between Great Britain and Spain of the 22nd January, 1771, demonstrated that the dispute did not turn on the sovereignty of East Falkland nor on the sovereignty of the whole group of the Falkland Islands, but solely on the possession of West Falkland Island or Port Egmont, whose garrison had been expelled by an expedition from Buenos Ayres on the 10th June, 1770. ... (which) left Spain in permanent dominion of East Falkland Island, which she had occupied for many years after the French, and to Great Britain it bestowed, for the sake of peace, the de facto possession of West Falkland Island or Port Egmont which she shortly after abandoned." [2741]

"He further urged that that arrangement also contained an express reservation of the sovereignty of the Falkland Islands on the part of Spain, to which reservation Great Britain had never replied, and which was distinctly made so that the special stipulations as to Port Egmont should not prejudice Spain's absolute rights to possession of those islands.[2742] *Senor Moreno considered, therefore, that it was a mistake to appeal to the Arrangement of the 22nd January, 1771, in order to deduce from it the proof of the British sovereignty over the*

2736 *Mandeville to Aberdeen May 21st, 1842* in *FO 6/502/106.*
2737 *Lieut. Governor Moody to Lord Stanley March 5, 1842* in *Accounts and Papers* 1843 vol.4
2738 *Ibid*
2739 Quoted in *Penguin News* February 20, 1993
2740 Caillet-Boise (6th ed.) 1982 p.363
2741 Quoted in Bernhardt 1911 *cf.* 1770, 1771 & 1774
2742 Spain's 1771 reservation only concerned the "*question*" of sovereignty.

islands, as that document clearly impugned and destroyed it. It was the spoliation and capture of the Eastern Island by Great Britain in 1833, he maintained, that overturned the arrangement of 1771. With regard to the alleged Secret Agreement of 1771 concerning the total evacuation of the islands by Great Britain, which had been quoted by the Argentine Government in their protest of 1833 on the strength of an official despatch of the Spanish Minister Arriaga and of several English historical works, Senor Moreno expressed his willingness "to retract that quotation from motives of respect for Her Majesty's Government, seeing that after examining the British archives it was said that the allegation was ***doubtful****". But the non-existence of this Secret Understanding, Senor Moreno contended, by no means affected the question of sovereignty, which rested on other titles and bases, nor the question of spoliation and plunder, of which his Government complained. On what grounds, Senor Moreno asked, did Great Britain found her pretensions to the sovereignty of the Falkland Islands? Assuredly, he went on to say, not on the right of conquest, which had never taken place, nor on Treaties with, or on acquisition from, other nations, which had no existence, nor on original occupation which was in favour of France and Spain,*[2743] *nor yet on priority of discovery, which remained ambiguous, and which would be of no moment if it could be proved, as of itself alone and without being accompanied by occupation it constituted no right. ... Senor Moreno therefore stated ... that they trusted that Her Majesty's Government would reconsider and revise that decision."* [2744]

"(Argentina's) titles to the sovereignty and dominion of the Falklands group, especially of East Falkland Island, were: first, occupation, by virtue of the purchase of the French settlement by Spain; secondly, creation of properties which were in existence at the period of the invasion and spoliation committed by HMS Clio. The Argentine Government therefore maintained their protests, claiming restitution and indemnification." [2745]

"... Moreno, not willing to remain silent, once again gave Count Aberdeen a new note in which, returning to his argument, he insisted that the discussion that had arisen in 1771 concerned only the possession of the West Island or Port Egmont. He argued, therefore, that the acts exercised by England in 1833 violated the 1771 agreement. ..." [2746]

February 21st, Aberdeen and Moreno meet at the Foreign Office.

"... the Buenos Aires representative repeated his arguments, highlighting the error by Lord Palmerston when he considered Egmont Harbour to constitute the East Island.... Aberdeen responded coldly, but skilfully, saying he "knew nothing about" the matter at issue during the previous administration, but that he would gladly examine the documents provided by the Argentine diplomat, to do justice to the claim presented." [2747]

"Moreno had made a collection of relevant documents, which he handed over, and tried a new approach: he suspected that the error of taking the plural for the singular (Falkland Islands instead of West Falkland or Port Egmont) had led Lord Palmerston to make the error of dislodging and depriving the Republic of the eastern island, which had always been Spanish. ... but Lord Aberdeen, as a consummate politician, did not rise to the bait..." [2748]

February 22nd, in the Falklands, Governor Moody returns to Port San Carlos to rendevous with *Arrow*.

2743 France had arrived on East Falkland Island (Port St. Louis) in 1764. Britain on West Falkland Island (Fort George) in 1765. Spain arrived at Port St. Louis in 1767.
2744 Bernhardt 1911. Original in *FO 6/502/74.* My emphasis. See March, 1842, below.
2745 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490.*
2746 Caillet-Boise (6th ed.) 1982 p.363
2747 *Ibid.* p.364
2748 Pascoe 2022 vol.2 p.543

February 26th, in London, Moreno submits documents to Aberdeen for, "*his inspection*," including the works of Bougainville, Pernetty, Anson, Frezier and Johnson. [2749]

"Moreno would remain in an expectant mood, motivated by the hope that Rufino Ruiz would find the 'secret agreement' in the archives of the peninsula." [2750]

March 4th, at Port Louis, Governor Moody in *Sparrow*, accompanied by *Arrow*, returns. The detachment of miners and sappers start work.

"Two portable houses were in course of time erected; one for his Excellency, and the other for the sappers. For durability they were built on stone foundations, and the roofs, to keep out the rain, were covered with tarred canvas and thatched with tussack. A number of outhouses and sheds to suit every convenience and want were rapidly run up, and the old dreary settlement gave unmistakable signs of vigorous industry and improvement. One of the houses, with six apartments, was erected as an addition to the old government-house, which was a long, narrow, crazy structure of one story, with thick stone walls, a canvas roof, and five ill-contrived rooms. The other for the sappers, was constructed a little distance in the rear of the Governor's dwelling; Two ruinous (cottages at Pig Brook were also fitted up, and two cottages at German's Point rebuilt. To make the habitations of the location more homely and English, enclosures were fenced in for gardens and pasturage. A well likewise was built of dry stone with an oval dome and approached by stone steps. For purposes of correction, an oven built by the French settlers under Bougainville, about 1760, the oldest building in the group, was used for the confinement of refractory characters. The detachment, in addition to its other duties, served as the police of the settlement, and sergeant Hearnden was appointed chief constable." [2751]

March 5th, in London, Lord Aberdeen responds to Moreno's written note of February 19th; referring to his written reply of February 15th, and reminding the Ambassador of the 1829 protest presented to Buenos Aires by Woodbine Parish.

"... and His Lordship observed that the Argentine Government had full knowledge of that protest when they authorised M. Vernet to form the settlement at Port Soledad (or Port Louis), which was removed in 1833 by His Majesty's ship 'Clio.' Her Majesty's Government were therefore of the opinion that the Government of Buenos Aires was not justified in claiming indemnity from Great Britain for the removal of that settlement." [2752]

"The British Government saw no reason to acknowledge the continuity of Argentine rights, as inherited from Spain, to the Falkland Islands. ..." [2753]

From Port Louis, HM ketch *Sparrow* sails for Rio de Janeiro with despatches from Lieut. Governor Moody.[2754]

March 10th, in London, Moreno writes, once again, to Lord Aberdeen.

> *"(Argentina's) possession of east Falkland Island did not begin with the establishment of M. Vernet in 1828, but dated from the preceding sixty years of formal Spanish occupation and possession, which could not possibly be invalidated by the unfounded protest of the 19th November, 1829, put forth by Mr. Parish in consequence of an administrative Decree. Senor Moreno, therefore, declared that lest the*

2749 See - https://falklandstimeline.wordpress.com/bibliography/

2750 Caillet-Boise (6th ed.) 1982 p.365. From his own inquiries, Minister Arana in Buenos Aires was less confident. *cf.* December, 1838

2751 Connolly 1855 pp.361-362

2752 Original draft in *FO 6/502/88*

2753 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

2754 *Lieut. Gov. Moody to Lord Stanley March 5, 1842* in *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843.

> ***silence*** *of the Argentine Government should be construed as implicit acquiescence they could not, either then or thereafter, concur in the resolution of Her Majesty's Government…"* [2755]

"… raising his voice somewhat, (Moreno) closed his note by saying that the Buenos Aires Government would never settle for the unjust English resolution that came to strip the country of a land for which it had titles in due form." [2756]

"The legal effect of this note is most uncertain; I do not know of any case which throws any light on the matter. On the one hand Argentina could argue that she was making clear that she did not acquiesce, and that Britain could therefore not acquire title by prescription: on the other hand Britain could argue that protests are the normal way of preserving rights to territory, and that a State which chooses not to protest chooses to deprive itself of the means of preserving its rights, and must therefore be regarded as losing its rights." [2757]

"Qui tacet consentire videtur, si loqui debuisset ac potuisset (or … ubi loqui debuit ac potuit) ["He who is silent is seen to consent, if he should have spoken and could have done"], often summarised as "Silence gives consent"." [2758]

March 21st, the Foreign Office forward Ambassador Moreno's note of the 10th to the Colonial Office.

> *"I am to request that you will state to Ld. Stanley that it appears to Ld. Aberdeen that it will not be necessary to return any answer to this note from Mr. Moreno."* [2759]

March 31st, from London, Lord Aberdeen informs Minister Mandeville, in Buenos Aires, that Great Britain considers the discussion over the Falkland Islands to be at an end. [2760]

April 6th, at the Falkland Islands, *Terror* and *Erebus,* commanded by Capt. James Clark Ross, arrive for the winter; *"… for five or six months to repair the vessels and to make observations. Capt. Ross has erected an observatory at the old French fort, built by Bougainville."* [2761]

April 7th, Capt. Ross visits Port Louis.

"… the condition of the settlement at the period of our arrival was anything but flourishing, indeed, from all accounts I heard, rather retrograding. The number of inhabitants had considerably diminished, and amounted, at this time, to only forty-six, independent of the lieutenant-governor and his party, consisting in all of about twenty,…" [2762]

April 13th, in England, the *Wexford Conservative* reports:

> *"John Hartnall was indicted in the Irish Court of Admiralty, on the 24th ult., for piratically stealing and carrying away 100 pairs of blankets, and various other articles. He also stood charged with carrying away the Mary Ann, all property of George Thos. Whitington. …*

2755 Original in *FO 6/502/98.* Translation at *6/502/100.* My emphasis.
2756 Caillet-Bois 1982 (6th ed.) pp.364-365 citing *M. Moreno a Aberdeen, Sablonière Hotel, 10 de marzo de 1842*
2757 *Memorandum* submitted to the Parliamentary Foreign Affairs Committee in 1983 by Dr. M. Akehurst, Reader in Law, Keele University. *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*
2758 Pascoe 2020 p.216
2759 *FO 6/502/102*
2760 *FO 6/502/104.* Mandeville was sent copies of all the correspondence between Aberdeen and Moreno.
2761 *Sydney Gazette and New South Wales Advertiser* October 6, 1842 and the *Australasian Chronicle* March 9, 1843
2762 *A Voyage of Discovery and Research in the Southern and Antarctic Regions during the Years 1839-43* Captain James Clark Ross R.N. Knt 1847 vol.2 p.261

The jury found the prisoner 'Guilty' on all counts but the last, which charged him with stealing the ship, and the prisoner was sentenced to be transported for seven years." [2763]

April 14th, from the Falklands, Lieut. Governor Moody, sends a comprehensive report back to Lord Stanley, describing in detail the various parts of the archipelago that he has been able to visit; the flora and fauna; geology and weather. Attached is a plan of Port Louis (next page), surveyed and drawn by Murrell Robinson.

"I have the honour to lay before your Lordship the following Report upon that Falkland islands, in which I have chiefly considered the prospects they offer to British subjects desirous of emigrating."[2764]

"Vessels can at present obtain plenty of beef and water; the first very cheap (tuppence a pound) and the latter very expeditiously and readily. For further refreshment, fresh fish and wild fowl are in the greatest abundance, as well as many antiscorbutic plants ... wild celery, sorrel and an excellent spinach." [2765]

Moody also provides extensive recommendations for the development of the colony. As for the seals, he notes; *"The hair and fur seals which were formerly so abundant in these islands have decreased considerably in number, in consequence of the wanton destruction ... neither old seals nor pups are spared by the sealers."* [2766]

April 16th, the brig, *Alarm*, arrives at Port Louis; *"... came in from the River Plate. She brought one Family and a number of Sheep."* [2767]

> *"... a Mr. Culey (a sheep farmer from Lincolnshire) with his wife, 3 children and a farm servant arrived at these Islands in the brig Alarm... with the intention of settling. Mr. Culey has brought with him 200 sheep..."* [2768]

April 19th, at Buenos Aires, Luis Vernet takes copies of his Falklands accounts to the US Consulate where Consul Amory Edwards certifies the notaries signatures as being authentic.

> *"Lewis Vernet formerly Governor appointed by the Buenos Ayres Govern't at the Falkland Islands, appeared at this Consulate, and obtained certificates of the genuineness of the signatures of several merchants and others, to the documents he produced – The documents relating to a claim he makes on*

2763 See January, 1841 above.

2764 *Lieut. Gov. Moody to Lord Stanley April 14, 1842* in *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843 pp.15-38.

2765 Quoted in *Penguin News* May 1, 1993

2766 *Lieut. Governor Moody to Lord Stanley April 14, 1842* in *Accounts and Papers* 1843 vol.4

2767 *The Voyage of HMS Erebus and HMS Terror to the Southern and Antarctic Regions. Captain James Clark Ross, R.N. 1839–1843. The Journal of Sergeant William K. Cunningham, R.M. of HMS Terror.* Captain Richard Campbell (R.N.) April 2009 (Published in the Journal of the Hakluyt Society). Aboard was 16 year-old Jacob Napoleon Goss, whose family reside in the Falklands still.

2768 *Moody to Stanley April 18, 1842* in *CO 78/5*

the Government of the United States, mounting to Two Hundred and seven Thousand silver dollars – for damages sustained at the Falkland Islands – by the visit of the United States sloop of War Lexington, Commander Duncan in Jan'y 1832." [2769]

May 27th, from Port Louis, Moody reports that the increase in the population, due to the extra settlers, distressed seamen and the crews of the Ross expedition, has caused him to; *"... address a letter to Her Britannic Majesty's Consul at Buenos Ayres requesting his aid in forwarding from the Provinces of the La Plata 8 gauchos and 20 trained horses to this Colony to be employed in the service of Government for a limited time in capturing Wild Cattle. ... having only one gaucho and a few worn out horses my present means are wholly inadequate..."* [2770]

June 1st, the Lieut. Governor writes to Capt. Ross on *Erebus; "... requesting to know any opinion whether Port Louis or Port William is the best adapted to be the chief port of this Colony, in a Naval and Commercial point of view combined.."* [2771]

June 6th, in a further despatch to London, Moody presents a census.

"I have the honour of forwarding for your Lordship's information three statistical tables, showing the state of the colony on my arrival in January last. Occasionally there have been a few additional residents for a short time, chiefly seamen; but the persons enumerated in the table appear to have the intention of permanently residing at the Falkland Islands. Permission to erect houses was granted from time to time by the successive naval officers in charge, but it appears that upon no occasion has any grant of land, or "title" to such houses been made, directly or indirectly; and all the residents fully understand that they merely hold a temporary tenure.

It is my intention immediately to put the settlers in full possession of the land upon which their houses stand, by the sale of allotments... My further acquaintance with the industry and steadfastness of the few Scotch settlers (Highlanders from Argyllshire, the last from Glasgow), at present in the colony, induce me again to take the liberty of drawing your Lordship's attention to the advantages of emigrants for these islands being selected from similar districts. The pastoral inhabitants of the hills and dales of the southern Scotch counties on the borders, would also be well adapted as settlers in the Falklands. ...

I avail myself also of this opportunity to inform your Lordship that I have received private notifications of the desire entertained by some English residents in the provinces of La Plata, to send sheep in large numbers so soon as they can be assured of the intentions of Government concerning the colonization of these islands. I therefore venture to suggest for your Lordship's consideration, whether it may not be advisable that an official notification of the intentions of Government should be forwarded from the Colonial Land and Emigration Board through the proper channels to the British authorities at Buenos Ayres and Monte Video. An immense number of sheep could be imported from thence at a small expense, which, although of an indifferent breed would form a valuable stock upon which to improve..."[2772]

2769 *Edwards to Webster July 14, 1842 No.16* in Manning 1932 p.228
2770 *Moody to Stanley April 27, 1842* in *CO 78/5*
2771 *Ross to Moody August 24, 1842* in *CO 78/5*
2772 *Lieut. Governor Moody to Lord Stanley June 6, 1842* in *Accounts and Papers* 1843 vol.4

Among the 97 residents listed by Moody are Richard Penny (40 yrs) and his wife Carmelita (40 yrs), together with Carmelita's sons, Richard Penny (3 yrs), Manuel Coronel (8 yrs) and José Simon (11 yrs). [2773] Gregoria (28yrs) appears on the list as the wife of Francis Perry (30 yrs), while the presence of Antonina Roxa (35 yrs) is noted. Moody records that Government House, *"... consisting of five rooms and two garrets in the roof.."* was; *"... formerly the Roman-catholic chapel, supposed to have been built by Bougainville, in 1764."* [2774]

June 23rd, at Port Louis, HMS *Carysfort*, commanded by Lord George Paulet, arrives with supplies. [2775]

July 11th, from Buenos Aires, Foreign Minister Arana complains to Moreno in London, that Britain's Minister Mandeville appears to be slow in passing the Argentine government's correspondence on to London. Particularly that regarding the Falkland Islands. [2776]

July 19th, from Port Louis, Moody writes to London requesting that his powers be more clearly defined.

> *"In the 'instructions' which I had the honour to receive from Lord John Russell, the causes which prevented his Lordship at that time from laying down any detailed instructions for my guidance as to the nature and extent of the powers I could exercise are fully pointed out, and his Lordship deemed it sufficient to direct me to govern by the force of moral influence and example, rather than by any direct exercise of legal power. Such has hitherto been the nature of my government, and fortunately no circumstance has yet occurred to oblige me to assume a responsibility of any weight; but it is my duty to inform your Lordship, that of the persons composing the small but constantly increasing society over which I am placed in control, many are men of reckless character, irregular passions unchecked by any moral impulses, far less discipline; and it is more than probable that the moral influence I exercise derives its force from the presence of the small guard selected from the corps to which I have the honour to belong, rather than from any example of industry and steadiness manifested by every individual of the party which accompanied me from England. ...*
>
> *I am, therefore, not without feelings of anxiety to be armed with the fullest legal power at once to put down evil in any shape; and to be aided by the demonstration of physical strength which would be afforded by the presence of at least one small-class vessel of war, to be chiefly employed in cruising to protect Her Majesty's property in cattle, &c. from wanton destruction by foreigners, as well as to prevent their systematically establishing themselves in any port for the purpose of fishing, sealing, and whaling, in the bays and creeks among the islands.*
>
> *I hope that your Lordship, upon considering the position of affairs in the colony, may be of opinion that the time has now arrived when it becomes advisable to lay down more definite instructions for my guidance, and to establish a court of judicature, the power of which may extend to the trial and administering of justice for the gravest crimes that can be committed against the law, and also be an Admiralty court."* [2777]

2773 Carmelita had a consistent approach to naming her children. The adults had been resident since Luis Vernet's time on East Falkland. *cf.* 1828, 1831 & 1833

2774 More likely that constructed by the Spanish after 1767. Moody also recorded the survival of a barracks and storehouse; the former also dating from the Spanish occupation.

2775 Departed July 7, 1842

2776 Caillet-Bois 1982 (6th ed.) p.365 fn.42

2777 *Lieut. Governor Moody to Lord Stanley July 19, 1842* in *FO 78/5*. The notes appended to this letter are intriguing, but sadly, unsigned. One suggests that despite Moody having the title of '*Governor*' his real purpose had only been to consider the practicalities of creating a naval port on the islands: to exploit their strategic potential, rather than the archipelago's future as a colony. This confusion of purpose may help explain why an engineering officer had been chosen. A decision that had caused some consternation at the time.

July 25th, Captains Ross and Crozier, together with naturalist, Joseph Hooker, travel to Port William.

> *"At the request of the Lieutenant-governor..., for the purpose of forming an opinion upon the relative merits of the two harbours, and whether Port Louis or Port William is the best adapted to be the chief port of the colony in a naval and commercial point of view combined. The result of the investigation, which, owing to unfavourable weather, occupied us nearly a week, was, that we agreed in considering Port William to possess so many advantages over Port Louis, that I recommended the settlement should be removed to the former place."* [2778]

July 26th, from Buenos Aires, Britain's Minister Mandeville reports that the Government of Montevideo is willing to supply horses for the Falklands, as requested by Lieut. Govenor Moody, but that there may be problems in finding gauchos.

"During the time that this part of of South America was dependent upon Spain, the Falkland Islands were made a place of banishment for criminals, and the impression still remains so great in the minds of the lower class of the inhabitants of these countries, that it is almost impossible to engage a person of this country (Uruguay), voluntarily to establish himself in these islands." [2779]

August 20th, at Port Louis, Capt. Ross sets his crews to work building a wall around the cemetery.

August 24th, Capt. Ross writes to Lieut. Governor Moody to say that Port William would be a better location for a harbour and settlement than Port Louis; offering better protection and a deeper anchorage.[2780]

"When Captain James Clark Ross gave his view on the question of where the chief port should be set up he was blunt and emphatic. ... Ross briskly listed his reasons: "First, Port William is much more easy of access from its situation near the extreme east point of the islands that ships are almost immediately in harbour after making the land... whereas to gain Port Louis they have usually to beat 12 or 14 miles against the prevailing wind... Secondly, Port William has two very secure outer anchorages (without the need to pass the Narrows). Thirdly, Vessels of large size may pass through the Narrows into the inner harbour of Port William (known as Jackson's Harbour) with any wind. Fourthly, there is sufficient depth of water for a first-rate [warship] in the inner harbour of Port William and ample room for 20 sail of the line ... Fifthly, ... a ship or squadron might be despatched to sea with the wind blowing from the eastward, which could not possibly be the case from Port Louis..." [2781]

"Moody's first visit to Port William had been in January (midsummer), and a later visit sowed doubts in his mind – Ross and Crozier had so admired the harbour that they had overlooked the drawbacks of the land around it: it was poorly drained in winter, it had a steep slope, there were projecting rocks in many places which would impede building and at Port William in winter "the ground which I galloped over in summer was very wet and swampy". Bu contrast, the area of Port Louis was gently rolling land without a steep gradient, and it was "hard camp", with a good firm surface, not boggy or rocky." [2782]

2778 Ross 1847

2779 Quoted in *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing *Mandeville to Aberdeen, no.65, Montevideo, 26, July, 1842 FO 6/502.*

2780 *Ross to Moody August 24, 1842* in *CO 78/5*

2781 Quoted in *Stanley: the sailors' choice* David Tatham in *Penguin News* June 26, 1993. Port William/Jackson's Harbour is the present Port Stanley.

2782 Pascoe 2022 vol.2 pp.550-551

August 25th, the crews of *Erebus* and *Terror* locate the grave of Matthew Brisbane, murdered in August, 1833. They move Brisbane's remains to a new site and place a stone over the grave.

"The refitment of the ships proceeded steadily and uninterruptedly; and by the end of the month of July they were again in perfect order and ready for sea. But as our magnetic experiments could not be completed until the end of August or beginning of September, and in order to give our people healthful exercise and useful occupation, I directed them to be employed building a wall seven feet thick, and as many high, round the spot which had been hitherto used as a burial-ground, but which was at present without any enclosure; and the remains of the ill-fated and barbarously murdered Brisbane, the companion of Weddell on his daring and adventurous voyage to the highest southern latitudes, were removed from beneath a heap of stones, where the Gauchos had left them, into the burial ground, and a suitable inscription placed over them." [2783]

September 1st, from Port Louis, Moody forwards Ross' conclusions to Lord Stanley.

> *"... by which your Lordship will perceive that the advantages of Port William, as a chief port, in a maritime point of view, are greatly superior to those of Port Louis. With regard to the surrounding land, the balance is altogether in favour of Port Louis."* [2784]

September 5th, from HMS *Erebus* in Berkeley Sound, naturalist Joseph Hooker writes to Lieut. Governor Moody with his findings as regards the plants to be found in the Islands. [2785]

September 8th, Capt. Ross sails for Patagonia, leaving 4 officers and 2 men behind to operate the observatory.

October 1st, Moody reports to London on what has been achieved at Port Louis.

> *"... I have laid out a large town at Port Louis, chiefly around the inner port called Carenage; and I beg respectfully to submit for your Lordship's approbation, that the said town be named "Anson" in honor of the celebrated circumnavigator, the first person, I believe, who brought before the notice of the Government the great value of this portion of the British dominions. ...*
>
> *I have sold six allotments, of half an acre each, in the said town, at £50 the allotment, and one country allotment at Port San Salvador, bounded by the irregular shore, consisting of 339 acres, at 12s the acre...."* [2786]

"At Moody's instructions, Captain Robert Dawson, a fellow Royal Engineer, superimposed on the natural geography a plan of a capital city at Port Louis, to be named "Anson", with an ambitious layout of streets of narrow plots suitable for Victorian terraced houses." [2787]

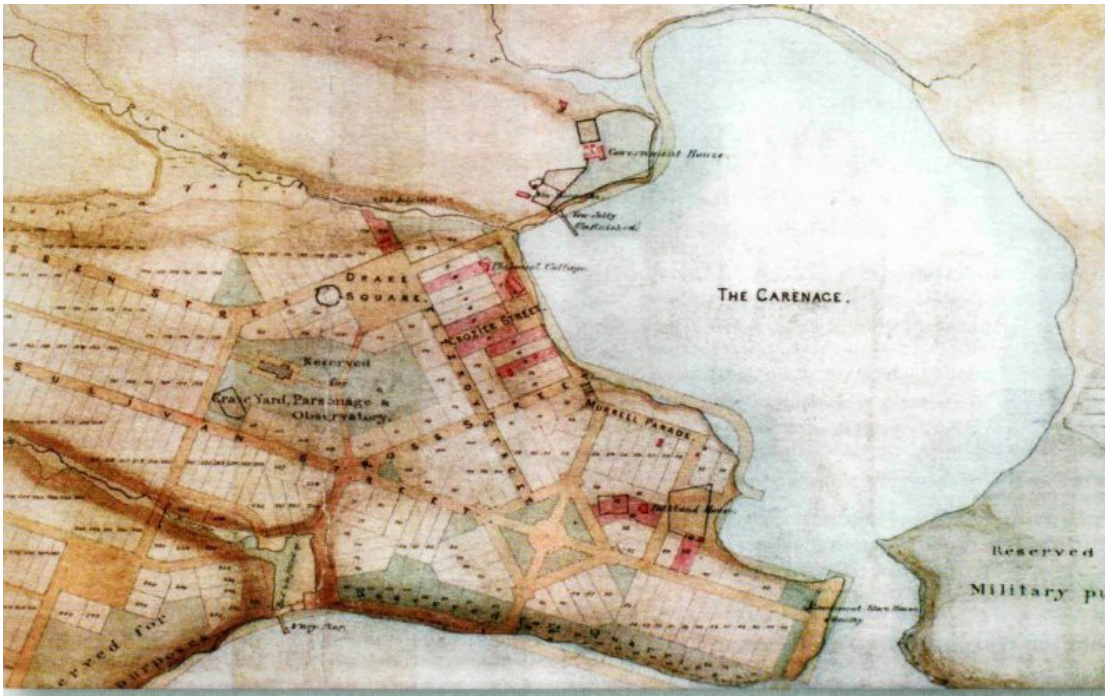
2783 Ross 1847 vol.2 pp.257-258. See 1993

2784 *Lieut. Governor Moody to Lord Stanley September 1, 1842* in *Accounts and Papers 1843* vol.4.

2785 In full in *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843 pp.69-70

2786 *Lieut. Governor Moody to Lord Stanley October 1, 1842* in *Accounts and Papers* 1843 vol.4. Also *FO 78/5*. Reported in the *Geelong Advertiser* Victoria, Australia on Oct 26, 1843. See February 23, 1843 below.

2787 Pascoe 2022 vol.2 p.551



October 14th, HMS *Philomel* (Commander Sulivan) arrives at Port Louis. Moody is informed that *Philomel* is to continue the work of surveying the archipelago, and will not be available for the settlement's use.

> *"I deeply regret that I receive no information by Commander Sulivan of any intention on the part of the Lords Commissioners of the Admiralty to send any vessel of war to relieve HM Ketch Sparrow which left these Islands in the beginning of March last. Commander Sulivan's duties in another part of the Islands during the whole period of the 7 months he may be at the Falkland Islands will render it impossible for him to offer any services to the Colony beyond the survey and serving a notice to any foreign trespassers he may chance to meet with in the act of taking seals from any island in the district he will be engaged in Surveying. …*
>
> *If the exigencies of the "service" render it impracticable for such aid to be afforded by the Lords Commissioners of the Admiralty, I would most respectfully but urgently request that your Lordship be pleased to take into consideration the importance of an Armed Colonial vessel… being placed as early as possible under my orders and Commanded by a Master of the Royal Navy..."* [2788]

October 31st, Lieut. Governor Moody reports that, owing to problems with drunkenness, he has imposed a 20 shillings per gallon duty on the importation of spirits. However, this does not extend to beer, wine or porter.

> *"There is an abundant suppy in the Colony of a light but sound & wholesome Catalonian wine which the settlers purchase at very moderate prices and I hear no disatisfaction expressed by the "consumers" in the Colony at the exclusion of the Spirits."* [2789]

November 8th, HMS *Terror* returns to Port Louis with a cargo of timber and saplings.

2788 *Moody to Stanley October 14, 1842* in *FO 78/5.* Notes written onto this letter complain that the demand by Moody is uncosted. Moody's request was passed on to the Admiralty on February 22, 1843, but Lord Stanley did not hold out any great hope that the Government would consider that the expense of a permanently stationed ship could be justified.

2789 *Moody to Stanley, October 31, 1842* in *FO 78/5.* Moody was subsequently told that he was exceeding his authority. See March, 1843.

"... 700 young trees, chiefly winter barks, beeches, and holly-leaved berberries, all in excellent order. Captain Ross has also added a further valuable service to the colony, by bringing 400 or 500 pieces of timber of different sizes, several of them sufficiently good for the rafters of thatched roofs to small cottages. The trees were immediately planted, and, from the very careful manner in which they were brought over, I trust will succeed, although they were in leaf, the spring far advanced, and the ground here much parched for want of rain." [2790]

November 12th, in London, Lieut. Governor Moody's extensive report regarding the suitability of the Falkand Islands for colonization, is forwarded to the Colonial, Land and Emigration Commissioners for their consideration. [2791]

November 14th, at Port Louis, merchant Barque, *Governor Halkett*, out of Sydney with a cargo of oil, arrives in a distressed condition.

November 16th, Lieut. Governor Moody writes to Lord Stanley.

"... I trust your Lordship will forgive my so often venturing to remark that an experienced gardner, or intelligent general superintendent of the government farm, is much needed at the Falkland Islands." [2792]

November 25th, Paraguay officially declares its independence to the world. [2793]

November 28th, in Chile, a piece by Domingo Faustino Sarmiento appears in *El Progreso*.

"England is becoming established in the Malvinas. Let us be frank: this invasion is useful for civilisation and progress." [2794]

In London, on the same day, Lord Stanley reads out a report from Lieut-Governor Moody to the *Royal Geographical Society* - describing '*steams of stones*,' flowing down the sides of hills. [2795]

December 10th, the Colonial, Land and Emigration Commissioners, having considered Moody's report, provide their opinions to Lord Stanley. [2796]

"It is not to be overlooked, that as the principal object of the settlement is to afford a port for refit and refreshment, with all the necessary accommodation, the number of ships which will in consequence resort to the colony will afford a ready means of supplying the settlers with the articles of import which they require, and furnish in turn an extensive market for the provisions which they will have to dispose of. Upon the whole, as has been before represented, there seems reason to expect that a small

---

2790 *Lieut. Governor Moody to Lord Stanley November 16, 1842* in *Accounts and Papers* 1843 vol.4.

2791 *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843 p.45 (link below). Moody's report was also forwarded to the Royal Engineers whose comments can be found on pp.45-48

2792 *Ibid*.

2793 Paraguay had previously declared its independence in 1811, but had remained closed to the world under a dictator, Francia. Despite both these declarations of independence, Buenos Aires still regarded Paraguay as a province of Argentina and would do so until 1852. *cf.* 1811 & 1848

2794 Living in exile in 1842, Sarmineto would become President of Argentina from 1868 to 1874; during which time his government made no claims to the Falkland Islands.

2795 *Morning Post* Wednesday November 30, 1842. A geological phenomenon known as 'stone runs'. See - https://falklandstimeline.wordpress.com/wp-content/uploads/2021/03/geology-of-the-falkland-islands-1999.pdf

2796 *Accounts and Papers 1843* vol.4 p.42. Also *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843 pp.41-45.

community of hardy and industrious settlers might prosper upon these islands... In conclusion, we would beg to recapitulate the suggestions we have made as to the first steps which have now to be taken in respect to the settlement of this colony.

1. That a bill should be proposed to Parliament to provide for the government.

2. That the protection of a small vessel of war, such as has hitherto been stationed there, should be continued.

3. That a clerk and store-keeper, acting under the Lieutenant-governor, should be sent out to relieve the surveyor, who is at present performing the duties of those offices.

4. That the charge for the surveyor and labourers taken together should remain the same in the future estimate as in the one printed in the papers laid before Parliament on the 27th.

5. That Captain Dawson's report should be forwarded to Lieutenant-Governor Moody for his information.

6. That the operations of the Lieutenant-governor, in respect to the wild cattle, should be confined as much as possible to the capture and delivery of such animals as may be required by the settlers and the crews of vessels; and that in any case care should be taken that no risk of loss to the public should be incurred by the management of them."

"Lord Stanley for his part had consulted the Colonial Land and Emigration Office. In their reply the Commissioners too plumped for Port William. They set out their reasons at length: "In the first place as the prosperity of the colony will depend upon ... shipping, the inhabitants should be placed in the neighbourhood of the port ... in order that they may be ready to supply passing vessels with the means to refit and refreshment. Secondly, whatever outlay may be sanctioned upon public buildings and works should be made at the spot where the government is to be permanently established. Thirdly, as the town lands in the port where the seat of government is fixed invariably fetch a higher price than any others, discontent would be caused among the purchasers at the early capital [Port Louis] when the government removed from it" ... Finally the Commissioners dealt briskly with the doubts of Moody, who had actually seen – and been daunted by – the boggy land around Port William. They thought he exaggerated: "For it does not appear that the place is unhealthy, being in fact quite dry during the summer months; and the expense which parties might have to incur in drainage might not after all be greater than that in other colonies, by the necessity of clearing the land from the timber." So they too recommended Port William, airily noting that if all the land was swampy then more should be spent on drainage and public buildings." [2797]

December 17th, *Terror* and *Erebus* sail for the South Shetland Islands and Antarctica.

"The Inhabitants on shore out of respect to the expedition fired a Royal Salute at which I am sorry to say a serious accident occurred by one of the Guns being fired by some neglect - and by which a Captn of a Merchant Brig had his hand nearly blown off and a Man belonging to the Settlement had his right arm broke & both hands nearly blown off. We hove too and both came onboard of us to get dressed. After which we Stood away with Studding sails low & aloft to the SE. and bid adieu to the Falklands."[2798]

2797 *Move to Port William is Ordered* David Tatham in *Penguin News* July 3, 1993
2798 Quoted in Campbell 2009

December 19th, in England, George Whitington writes to Lord Stanley complaining that his '*rights*' on East Falkland Island are not being recognised; his brother there having been given a notice; *"... of Trespass and Illegal Occupation, and also proscribing our Right of Fishery, or Killing Wild Cattle for sustenance..."* [2799]

December 23rd, from Buenos Aires, Minister Arana writes to Argentina's consul in London, George Dickson, suggesting that there was an; *"... opportunity for Mr. Moreno, in accordance with his instructions, to sue HBM government (for) compensation for the right to the Falkland Islands..."* Arana suggests that this could be tied to the outstanding Barings Bank loan. [2800]

Similar instructions are sent for Minister Manuel Moreno. [2801]

December 27th, in Buenos Aires, Governor Rosas sends his annual message to the *Legislatura de la Provencia*.

> *"Our Minister in the Court of London perseveres in claiming our rights to the Malvinas Islands... The Government expect an equitable and honourable end to this question.. "* [2802]

1843 – January 6th, in the south Atlantic, Capt. John Ross lands on Cockburn Island; *"... and took formal possession of this and contiguous lands, ..."* [2803]

From Port Louis, Murrell Robinson, the governor's secretary, is despatched to the Rio Negro (Carmen de Patagones) to purchase horses and hire gauchos. [2804]

January 25th, from London, Lord Stanley writes to Lieut. Governor Moody.

> *"I have had under my consideration your general Report on the present state of the Falkland Islands; and I have now to acquaint you that Her Majesty's Government propose to complete the measures in part carried into effect by my predecessor for the colonization of those islands. It is my intention to apply to Parliament, in the ensuing Session, for the requisite authority to establish a legislative power there; and I have recommended to the Lords Commissioners of the Treasury also to apply to Parliament for the means of maintaining an establishment of Government, ..."* [2805]

An enclosed estimate of the sums required for maintaining a '*Government of the Falkland Islands*' amounts to a first year total of £4,350, including wages for a Governor, a Magistrate, Chaplain, Surgeon, Surveyor and Clerk.

February 15th, in the Falklands, at New island, *Francis*, out of New London, Connecticut, founders. [2806]

February 17th, in Buenos Aires, Argentina's Minister Insiarte, informs the Baring Brothers Bank representative Palicieu Falconet; *"... that the government ... have authorized the Argentine Minister in London to make to the government of his Britannic Majesty the proposition of yielding the Malvinas Islands in payment of the debt."* [2807]

2799 *FO 6/502/118.* There is no indication that Whitington ever received a reply. George Whitington laid out many of his complaints, in particular against Lieut. Governor Moody and Lord Stanley, in *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking* – New Series 1845 vols.1 & 2

2800 Sierra 1978 p.248. Also Caillet-Bois 1982 (6th ed.) p.365. cf. 1824, 1828 & 1838. Also February & April, 1843, below.

2801 Pascoe 2022 vol.2 p.552 citing *Rozas, el emprésito inglés de 1824 y las Islas Malvinas* Humbert F. Burzio 1944

2802 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 p.21

2803 Field 1928 paras.271 & 272. Situated to the east of the Antarctic Peninsula.

2804 Pascoe 2022 vol.2 p.552

2805 *Lord Stanley to Lieut. Governor Moody January 25,1843* in *Accounts and Papers 1843* vol.4

2806 *CO 78/5.* All but one of the crew made it ashore and, eventually, Port Louis.

2807 Rozas 1948

"This note abounds in considerations about the rights of the Republic to the islands, and the confidence that that they are recognized by the British government." [2808]

February 23rd, in London, Lord Stanley approves Moody's letter of October 1st, 1842.

> *"I have to acknowledge the receipt of your despatch, No, 33 of 1st October last, proposing that the town to be settled at Port Louis, in the Falkland Islands, should in future be styled "Anson", in honour of the celebrated circumnavigator of that name. I have no objection to this proposal. I approve the sale of the several allotments of land which you report yourself to have disposed of in that manner."* [2809]

"But if Moody thought this meant that he could remain in Port Louis, he was to be disappointed. For the bureaucrats of Whitehall had been doing their homework. The Admiralty had consulted their experts – a strong team. Ross had sent his report to Captain Beaufort, Hydrographer to the navy (and the man who devised the scale of wind force). Captain Fitzroy, formerly of the Beagle, and Commander Sullivan, later to settle in the Falklands, were also asked for their views. As one might expect they all agreed with Ross..." [2810]

February 26th, Lord Stanley writes to inform Moody of the proposals being put to Parliament.

> *"I am happy to inform you, that all your demands have been anticipated by Her Majesty's Government. With my despatch of the 25th ultimo, you will receive a copy of the estimate which it is intended to propose to Parliament during the present session, and which includes the salaries of a magistrate, a chaplain, and a surgeon. I shall lose no time in selecting the fittest persons whom I can find to undertake these respective offices. With respect to your application for a vessel of war, I have the honour to inform you, that I have received a communication from the Lords Commissioners of the Admiralty, announcing their intention to station a small gunbrig at the Falkland Islands."* [2811]

March 3rd, the Lords Commissioners of the Admiralty write to Lord Stanley.

> *"... relative to the permanent, employment of a gun-brig at the Falkland Islands, I am commanded by my Lords to acquaint you, for the information of Lord Stanley, that their Lordships cannot, without inconvenience, appropriate two vessels of war to relieve each other merely for guard duty at the Falkland Islands; that the Philomel sloop-of-war, surveying vessel, has been ordered there since the date of Lieutenant Moody's letter; and their Lordships will direct Commodore Purvis to send, for the duty pointed out by Lieutenant Moody, one of the small vessels under his command, and to cause this service to be attended to, and kept up, as far as may be in his power, and the means at his disposal will admit of, which their Lordships trust will sufficiently meet the object of his Lordship, and of the Lieutenant-governor."* [2812]

March 16th, the Colonial Office writes to Moody.

> *"H.M. Govt., have applied to Parliament for the necessary powers to enable Her Majesty to empower (you) to make regulations for the Govt., of the Falkland Islands and leave has been obtained for the introduction into the House of Commons of a Bill for that purpose."* [2813]

2808 *Ibid.*

2809 *Lord Stanley to Lieut. Governor Moody February 23, 1843* in *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843

2810 David Tatham in *Penguin News* July 3, 1993

2811 *Lord Stanley to Lieut. Governor Moody February 26,1843* in *Accounts and Papers* 1843 vol.4. Also *FO 78/5*

2812 *John Barrow to Lord Stanley March 3, 1843* in *Accounts and Papers 1843* vol.4

2813 *FO 78/5*

In the same letter, Lord Stanley complains about the imposition of alcohol taxes by the Governor.

> *"I have not the slightest doubts as to the motives by which you have been activated... But I fear that ... you have exceeded your authority. Neither Legislative nor Judicial functions have as yet been delegated to you by Her Majesty..."* [2814]

In Washington DC, US Secretary of State, Abel Upshur, appoints Harvey M. Watterson to oversee a re-establishment of relations with Buenos Aires.

> *"More than ten years have passed since we had a diplomatic agent accredited to that Government. It does not seem necessary at present to detail the causes which led to the interruption of the exchange between the two Governments. The right of (the) Government of Buenos Ayres to the jurisdiction of the Falkland Islands was the main question..."* [2815]

March 18th, in London, the Colonial Land and Emigration Office recommend that the seat of government in the Falkland Islands be at Port William. [2816]

March 21st, from Port Louis, Moody reports to Lord Stanley with regard to the difficulty he has in using paper money. Settlers distrust it and traders decline to accept it, preferring specie (coins). He also mentions the buildings that are under construction at Port Louis, including a barracks (below right).

> *"The small barracks and other necessary Government buildings and inclosures in progress of construction, I have disposed in a defensible form, with windows and doors inwards, and the exterior walls and bastions at the corners loopholed, so that when completed, if efficiently manned, they will be capable of offering a good resistance against anything except artillery."* [2817]

"The settlement at Port Louis, in the Falkland Islands, was daily growing into importance, and works applicable to every conceivable emergency were executed. This year the old government-house was thoroughly repaired, and a new substantial barrack for the detachment erected. Unlike the other buildings of the colony, the foundation-stone was laid by the Governor with the usual ceremony, and in a chamber was placed a bottle of English coins of the reign of Queen Victoria. There were also built houses for baking, cooking, and to hold boats. A butcher's shop was likewise run up, and cottages erected for the guachos and their major-domo, as well as a small calf house on Long Island and a large wooden peat-house at Town Moss. To add to the variety of their employment the sappers repaired the pass-house, put the pinnace in fine sailing condition, and constructed a jetty of rough stones for boats. Other services of less note but equally necessary were performed, such as quarrying stone, building a sod-wall to enclose a space for garden purposes, stacking peat for the winter, and removing stores and provisions from the newly-arrived ships, &c." [2818]

Murrell Robinson returns to Port Louis from Patagonia, with 36 horses and two gauchos. [2819]

2814 *Stanley to Moody March 16, 1843* in *FO 78/5*
2815 *Upshur to Watterson September 26, 1842* in Fitte 1966 pp.428-429
2816 *Copies or Extracts of any Correspondence Relative to The Falkland Islands: Since the last Papers laid before the House on the 27th Day of August 1841 (No.183)* Printed June 22, 1843 pp.65-66
2817 *Moody to Stanley March 21, 1843* in *Accounts & Papers of the House of Commons vol.31.* The barrack building constructed in 1843 at Port Louis is often mistaken for Luis Vernet's house despite being some 150 yards away.
2818 Connolly 1855 p.413
2819 Pascoe 2022 vol.2 p552

March 24th, in London, following consultation with the Colonial, Land and Emigration Commissioners, Lord Stanley sends further instructions to Governor Moody regarding a principle town for the Colony.

> *"I am compelled to concur in the opinions expressed by the Commissioners, and by the naval authorities, that the seat of government should be at once fixed at Port William. You will therefore take the necessary steps for removing to that place as early as possible; and you will take care that in any sales of land which may be made, no misunderstanding is allowed to occur on this point."* [2820]

"In 1843 the British government decided – against the wishes of Moody and some of the leading residents – to move the seat of government from Port Louis,.." [2821]

March 31st, on East Falkland Island, the population comprises 77 men, 20 women and 14 children. Of these, 56 are recognised as settlers. [2822]

"The population included 4 survivors from Louis Vernet's establishment (Gregoria Perry, Carmelita Penny, and Carmelita's two elder children..." [2823]

April 5th, from London, Moreno responds to Buenos Aires regarding Minister Arana's December 23rd letter.

> *"While th(is) government denies sovereignty of the islands (resting) in the Republic, as it has done so far, there is no way to induce it to compensate for the transfer of that domain."* [2824]

Moreno adds that he doubts that the British Government will accept that the archipelago is worth the outstanding £1,900,000 owed to Barings Brothers Bank. [2825]

"Rosas's proposition, nothing more than an exchange of notes between Arana, Moreno and Dickson without the official knowledge of the Foreign Office, constitutes a mistake by the government, ..." [2826]

"Moreno thought the idea of the exchange would have to go before Parliament for approval, which was undoubtedly correct. However, the reactions of MPs to Britain's being asked to pay debts accrued by a foreign government to a private institution, in exchange for a territory that was British anyway, can be imagined – they would have laughed the idea out of court." [2827]

April 11th, a Colonial Office Bill receives Royal Assent.

> *"Act of the British Parliament to enable Her Majesty to Provide for the Government of Her* ***Settlements*** *on the coast of Africa and in the Falkland Islands,'*
>
> *Whereas divers of Her Majesty's subjects have resorted to and taken up their abode and may hereafter resort to and take up their abode at divers places on or adjacent to the coast of the Continent of Africa, and on the Falkland Islands: and whereas it is necessary that Her Majesty should be enabled to make further and better provision for the civil Government of the said settlements: be it therefore enacted, by*

2820 *Lord Stanley to Lieut. Governor Moody March 24,1843* in *Accounts and Papers* 1843 vol.4
2821 Pascoe 2020 p.177
2822 *Parl. Paper 1843 No.160* in *General Report of the Colonial Land and Emigration Commissioners* April 2, 1844
2823 Pascoe 2022 vol. p.553
2824 Sierra 1978 vol.1 p.248
2825 Argentina restarted interest payments in 1844 at a rate of 5,000 pesos a month and reached a final settlement regarding the 1824 loan with Barings Bank in 1857. However, Barings then continued to lend money to Argentina resulting in another crisis in 1890.
2826 Rozas 1948
2827 Pascoe 2022 vol.2 p.552

the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for Her Majesty, by any order or orders to be by Her made, with the advice of Her Privy Council, to establish all such laws, institutions, and ordinances, and to constitute such courts and officers, and to make such provisions and regulations for the proceedings in such courts, and for the administration of justice, as may be necessary for the peace, order, and good governance of Her Majesty's subjects and others within the said present or future settlements respectively, or any of them; and law, statute, or usage to the contrary an anywise not withstanding.

II. And be it enacted, that it shall be lawful for Her Majesty, by any commission or commissions under the Great Seal of the United Kingdom, or by any instruction under Her Majesty's Signet and Sign manual, accompanying and referred to in any such commission or commissions, to delegate to any 3 or more persons within any of the settlement aforesaid respectively the powers and authorities so vested in Her Majesty in Council as aforesaid, either in whole or in part, and upon, under, and subject to all such conditions, provisos, and limitations as by any such commission or commissions or instructions as aforesaid Her Majesty shall see fit to prescribe: provided always, that notwithstanding any such delegation of authority as aforesaid, it shall still be competent to Her Majesty in Council, in manner aforesaid, to exercise all the powers and authorities so vested as aforesaid in Her Majesty in Council: and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament so soon as conveniently may be after the making and enactment thereof respectively...." [2828]

April 15th, at Port Louis, an American vessel, *Sarah Ann* (William Smyley) arrives; *"with government stores."*[2829]

June 2nd, in England, with nothing to show for his efforts, George Whitington declares himself bankrupt.

> *"My individual interests would be best promoted by the Sovereignty of the islands being confirmed to Buenos Ayres."* [2830]

"... it will be seen that the official mismanagement, tyranny, and injustice, which have from first to last prevailed there, .., creating hostility, jealousy, treachery, loss, and disaster, have established for the place the detractive and injurious designation of the "Isles of Misfortune"; whilst their position and resources should and might entitle them to the better cognomen of the "Isles of Relief". ... no doubt whatever exists that ere long the entire question in reference to those islands must become the subject of parliamentary investigation, ... and here I may observe, that assuredly as the chief functionary returns from his government, he will be made a personal defendant in a court of law for illegalities and injuries,..." [2831]

June 23rd, *The London Gazette* reports: [2832]

2828 6 Vict.c.13 in *The London Gazette No. 20213*. My emphasis. The word 'colony' is not used and all power seems to be retained by the Crown through the Privy Council. This appears to leave the status of the Falklands much as it was before – a Crown Possession. See 1892

2829 *Sarah Ann* must, presumably, have been the sister ship to *Ohio* which Smyley had commanded until just three weeks before, when it was wrecked at the Rio Negro. Smyley seems to have then assumed command of *Sarah Ann*.

2830 Whitington quoted in Ellerby 1990 p,10 citing *Whitington to Secretary of State May 30, 1834* in *CO 78/1*

2831 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1844* vol.1 p.608. The "*chief functionary*" was a reference to Lieut. Governor Moody. The article was initialled 'G.T.W.' (George T. Whitington).

2832 Also reported in the *Naval & Military Gazette & Weekly Chronicle for the United Service* Saturday June 24, 1843.

"Her Majesty has been pleased to appoint Richard Clement Moody, Esq. Lieutenant in the Corps of Royal Engineers, Lieutenant Governor of the Falkland Islands, to be Governor and Commander in Chief in and over the said islands." [2833]

On the same day, *Letters Patent (Charter)* are issued. [2834]

"Falkland Islands

Charter for the Government of the Falkland Islands

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to whom these presents shall come, Greetings:

Whereas by an act of Parliament made and passed in the sixth year of our Reign, intitled "An Act to enable Her Majesty to provide for the Government of Her Settlements on the coast of Africa and in the Falkland Islands", after reciting that divers of Our subjects have resorted to and taken up their abode, at divers places on the Falkland Islands, and that it is necessary that We should be enabled to make further and better provision for the Civil Government of the said Settlement; it is enacted that it shall be lawful for Us, by any Order or Orders to be by Us made with the advice of Our Privy Council, to establish all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, and to make such provisions and regulations for the proceedings in Such Courts and for the Administration of Justice as may be necessary for the peace, order and good government of Our subjects and others within the said present or future settlements respectively, or any of them, any law statute, or usage to the contrary, in any wise notwithstanding: …

And We do declare Our Pleasure to be, and do hereby declare and grant, that the Governor for the time being of the said Falkland Islands, and such other persons, not being less than two, as are hereinafter designated, shall constitute and be a Legislative Council for the said Islands. And We do hereby direct and appoint that the persons other than the said Governor constituting the said Legislative Council shall be such Public Officers within the said Islands as shall be designated, or such other persons within the same as shall from time be named for that purpose by Us by any Instruction or Instructions, or Warrant or Warrants, to be by Us for that purpose issued under Our Signet and Sign Manual, and with the advice of Our Privy Council, all of which Councillors shall hold their places in the said Council at our pleasure. And We do hereby authorise, empower, and enjoin such Legislative Council to make and establish all such Laws, Institutions, and Ordinances as may from time to time be necessary for the peace, order, and good government of Our subjects and others within the said present or future Settlements in the said ***Falkland Islands and in their Dependencies****; and Our pleasure is that in the making and establishing all such Laws, Institutions, and Ordinances, the said Legislative Council shall conform to and observe all such rules and regulations as shall be given and prescribed in and by such Instructions as We, with the advice of Our Privy Council, shall from time to time make for their guidance therein: …"* [2835]

2833 *The London Gazette No. 20236.*

2834 *Patent Roll 7 Vict. Part 1, C66/4690.* See - https://falklandstimeline.files.wordpress.com/2023/01/letters-patent-charter-1843.pdf

2835 My emphasis. Dependencies, a word which appears 13 times in the Letters Patent, would seem to refer to South Georgia and the South Sandwich Islands.

"Royal Letters Patent were issued on June 23, 1843, making provision for the government of the "Settlements in the Falkland Islands and their Dependencies"." [2836]

"Great Britain appointed a Governor for the islands, something it had never done before... the State that claims to be sovereign over the islands since 1765 only appointed a Governor once it had expelled Argentina, and nearly eight years after the supposed establishment of its sovereignty,.." [2837]

"... the new Charter was in form and effect, if not in name, a constitution for the islands. The Legislative Council was to consist of the Governor and at least "two other persons", and was to "make and establish all such Laws, Institutions and Ordinances as may from time to time be necessary for the peace, order and good government of Our subjects...". Neither the membership nor the functions of the Executive Council were laid down in detail; the Governor was simply authorised "to summon as an Executive Council such persons as may, from time to time, be named or designated by Us in any Instructions under our Signet and Sign-Manual addressed to him in that behalf". That charter laid down the constitutional arrangements under which the Falklands were to be governed from then on." [2838]

June 27th, the *Southern Australian* newspaper reports:

> *"Colonization Commissioners advertise that they will sell land at the Falkland Is at 12s per acre."*

In Uruguay, Samuel Lafone sets upon a plan to exploit the wild cattle still on East Falkland Island

"I (had) thought no more about the Falklands until the year 1843 or 45, when Governor Moody wrote the British Consul in Montevideo, soliciting an undertaker to form a company in those Islands." [2839]

July 19th, at Port Louis, Moody writes to the Colonial Office in London, to request a doctor, clergyman and magistrate. [2840]

August 18th, Governor Moody receives the decision of March 24th; announced publicly by Sgt Hearnden.

"Transfer of the capital from Port Louis to Port William, ordered by London for the convenience of shipping, made Moody unpopular not only with Whitington, but much of the rest of the populace. Nevertheless his correspondence indicates his motivation by a sincere sense of duty and desire for the Islands' welfare." [2841]

"When Moody received the final verdict from Lord Stanley it must have been a blow. ... The most prominent settler of the time, John Bull Whitingham (sic) had no doubt that the decision was wrong-headed and – rather unfairly – blamed the Lieutenant Governor: "Of all the miserable bogholes in the Falkland Islands, I believe Mr. Moody has selected one of the worst for the site of his town". ..." [2842]

"Moody was dismayed – he had got properly settled at Port Louis, had taken money from the settlers in payment for land, had had stone buildings built, and was proposing extensive development there, which the settlers were looking forward to. ... Perhaps that is why he got Sergeant Hearnden to read the proclamation to the inhabitants..." [2843]

2836 *International Court of Justice. Pleadings, Oral Arguments, Documents. Antarctica Cases (United Kingdom v. Argentina; United Kingdom v. Chile Orders of March 16, 1956: Removal from the list* p.13
2837 Kohen & Rodríguez 2017 p.145. Questions of sovereignty are entirely unrelated to the appointment of governors.
2838 Pascoe 2022 vol.2 p.560
2839 *Lafone a Vernet June 23, 1852* in *AGN VII 2-3-7.* See April & May, 1837, above.
2840 Pascoe 2022 vol.2 p.560
2841 Bernhardson 1989 p.266
2842 Whitington quoted in *Penguin News* July 3, 1993
2843 Pascoe 2022 vol.2 p.558

In England, the *London Evening Standard* reports:

> *"The Maitland, convict-ship, arrived yesterday at Spithead. Twenty-five convicts were embarked on Board this morning, in addition to those taken on board at Woolwich. They are destined for the Falkland Islands, where government works are about to be erected; the keepers go out in the same ship, being men selected from the military pensioners, and have salaries of 75l. per annum in addition to their pensions."* [2844]

August 20th, in the Falklands, Moody's detachment of Sappers decamp from Port Louis to Port William.

"Soon after, the detachment marched overland to the spot, and continued there during the remainder of the year—except when temporary service required their presence at Port Louis—preparing the location for the Governor and the official officers. A sod-hut was soon run up for one of the married families, and the rest were tented on boggy ground about twenty yards from the river. In stormy weather the ground, as if moving on a quicksand, would heave with the fury of the wind; and what with the whistling of the gale through the cordage, the flapping of the tents, and the roaring of the waves, the men at night were scarcely free from the hallucination of fancying themselves at sea. Their early operations at Jackson's Harbour were very harassing, much of the material required for building having to be brought from a distance; but before the close of the year a two-roomed wooden cottage was erected with some convenient outhouses for domestic purposes. A portable house for the surveyor was also constructed, and one built in Mare Harbour. A rough jetty of planks, piles, and casks was likewise made, and the high grass for miles about the settlement was burnt down. This service was not accomplished without difficulty, for the continual rains having saturated both grass and ground, prevented the spreading of the flames, and required unceasing efforts for more than a month to insure eventual success." [2845]

"Moody wrote to Lord Stanley putting the settlers' case, warning that they might refuse to move to the new capital, and warning of the cost of the move. But he had no choice but to comply with his orders,..." [2846]

September 21st, in Spain, *Revista de Ambos Mundos* reports:

> *"The establishment that the British Government intends to found in the Falkland Islands and whose budget has just been submitted to Parliament, indicates a new step on the path of colonial aggrandizement, which England continues incessantly over all parts of the globe - The importance of this Archipelago, it cannot be measured, neither by its distance, nor by its narrow proportions: ... Because of their geographical position and the infinite number of their ports, the Falkland Islands seem to have been destined by nature to serve as a stopover for ships that sail the Southern Seas or round Cape Horn — Such great advantages could not escape the penetration of the statesmen of England, and there is nothing strange that they have thought of ensuring their possession: on the contrary, it is to be admired that they have not verified it more before. ...*
>
> *According to the latest communications made by Lord Stanley to the House of Commons, a large number of Englishmen established in the Provinces of the Plata, request to buy lands in the Falkland Islands, and await only an authorization to transport there their cattle and everything. they own. Some Scots and tenants from the northern counties of England arrive at Puerto Luis with rams of the most beautiful breed. The lands around the plotted precinct of the town of Anson, on the layout of the old Spanish settlement, have begun to be sold at the price of 8 shillings (10 francs) per acre.*

2844 *London Evening Standard* Saturday August 12, 1843. *The Globe* reported an attempted escape on August 24, 1843.
2845 Connolly 1855 p.413
2846 Pascoe 2022 vol.2 p.558

In the last months of the year that has just ended, a Royal Navy ship was busy transporting new trees and wood for carving from Cape Horn to Puerto Luis. Many layers of stone charcoal had been discovered on the surface of the soil. The analysis of the samples that had been sent to England they had yielded the most satisfactory results."[2847]

September 24th, in England, *Bell's New Weekly Messenger* reports:

"It is said that our colonies are a benefit to the mother country. I can only wish that the colonies would prove and establish the assertion by paying their own expenses. Speaking in round numbers, we have a grant of about £5,000 for the Falkland Islands, and for the fee simple of which, no merchant or stock broker in London would give a quarter of that amount."

October 3rd, in the Falklands, Lieutenant-Governor Moody draws up estimates for the move from Port Louis to the new capital. £2,823 is allocated for building work.

November 6th, Lieut. Bartholomew Sulivan returns to Port Louis with his family.

Columbian Packet arrives at Port Louis. Moody charters the ship to carry supplies to Port William.

Moody receives the news of his promotion to Governor and Commander in Chief.

November 25th, a Colonial Surgeon, Dr. Henry Joseph Hamblin, arrives at Port Louis.

"... bringing his wife, two children, his mother-in-law Louisa Longden, and her grown-up son James Longden (after whom Mount Longdon is named, with an unexplained change of spelling). Hamblin bought one of the first plots of land allocated in Stanley, designated 'plot no,1', for which he paid the standard price of £50, and on it he placed a prefabricated house brought from Britain..." [2848]

December 5th, in the USA, President Tyler presents his annual address to Congress.

"In consequence of a misunderstanding between this Government and that of Buenos Ayres, occurring several years ago, this Government has remained unrepresented at that Court, while a minister from it has been constantly resident here. The causes of irritation have in a great measure passed away, and it is in contemplation, in view of important interests which have grown up in that country, at some early period during the present session of Congress, with the concurrence of the Senate, to restore diplomatic relations between the two countries." [2849]

December 15th, at Port Louis, *Sarah Ann* (Smyley) returns with "*stores for sale*".

December 27th, in Buenos Aires, Governor Rosas addresses the *Legislatura de la Provencia*.

"The Government trusts that the Government of H.B.M. By an honourable act of justice will hasten the moment of attending to the right possessed by the Republic to the territory of the Falkland Islands." [2850]

2847 *Ylas Falkland or Malvinas* Paul Grimblot in *Revista de Ambos Mundo* September 21, 1843. First published as *Les Iles Falkland* in *Revue des Duex Mondes* September 4, 1843. Notable that the title was changed. A full and translatable transcription of the Spanish version can be found here – https://es.wikisource.org/wiki/Yslas_Falkland_ó_Malvinas

2848 Pascoe 2022 vol.2 p.561

2849 In 1884, Argentina's Minister Dominguez argued that Buenos Aires had accepted that the *Lexington* question be set aside. Until, at least, the sovereignty issue with Britain was decided. Dominguez used this passage of Tyler's speech to support his argument. *cf.* 1842 & 1884

2850 *FO 6/502/284.* Also *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 p.54

"The Message then alludes to the Falkland Islands, to which it is hoped the British Government will acknowledge the right of the Argentine Republic." [2851]

December 28th, from Port Louis, *Sarah Ann* sails for Montevideo.

December 30th, Governor Moody reports that an estimated 300 million cubic feet of peat can be found in the Falkland Islands. [2852]

1844 – January 8th, William Fishbourne is appointed Magistrate for the Falkland Islands. [2853]

At Port Louis, an agent of Samuel Lafone arrives to evaluate the potential for a cattle business.

"Consequent on Moody's proposals for land rent, Lafone sent Marcelino Martinez, an 'estancia' owner from Buenos Aires, to the Falklands to prospect the possibilities for livestock. Martinez estimated cattle numbers on East Falkland at 100,000 and reported favourably to Lafone." [2854]

January 23rd, in Buenos Aires, US Consul Amory Edwards notes the arrival of special envoy Watterson in a letter to the US Secretary of States. Edwards laments the fact that Watterson has not been appointed *charge d'affairs*, and considers the challenges that the envoy will face.

> *"Another difficulty presents itself to Mr Watterson's settlement of claims. When Capt Duncan visited the Falkland Islands in the sloop of war Lexington in 1831, some property was wantonly destroyed there belonging to Argentine Citizens. The amount of the claim for this, will be small but there will be a claim to which Watterson must answer that he has no instructions to treat on that subject. The consequence will be that the negociations (sic) must be stopped, and Argentine Gov't, will be sure to avail themselves of the pretext, to request further instructions from Washington. The question of the Falkland Islands will be a most difficult and vexatious one. It is not for the Interest of the Government of the United States, that those Islands remain in hands of the English. The acts of Vernet when Govr. there were decide contrary to the laws of Nations and piratical, yet, the Argentine Government in avowing that he was their officer take(s) the responsibility. Comm. Duncan's mode of rooting them out and destroying their settlement was not very diplomatic."* [2855]

February 16th, in England, following a number of hearings, George T. Whitington's insolvency comes before Commissioner Fonblanque, who grants a certificate of bankruptcy. *The Times* newspaper reports *"general hilarity"* when, during the proceedings, Whitington asserts that Argentina had granted him land on East Falkland to the value of £200,000.

> *"The bankrupt was described as a merchant, carrying on business at Great St. Helen's, and also the projector of the Falkland Islands Emigration Association, … His debts and liabilities … were £22,931.19s, contracted between January, 1840 and June, 1843, while as yet little or no assets had been realised, and the only expectations of realising any would appear to be from the returns of certain consignments, and the produce of certain ships at sea, together with some compensation from government for 100 square miles of land, which he had obtained from the government of Buenos Ayres, but which our Colonial Secretary refused to ratify. The fiat was issued on the 7th of June last,*

2851 *Morning Advertiser* Friday March 8, 1844

2852 *Far from Moderate: An account and appraisal of some aspects of the human involvement with the natural environment of the Falkland Islands and South Georgia* by Stephen Palmer 2004

2853 *The London Gazette No. 20303*

2854 *From Feral to fully farmed: 250 years of Cattle on the Falkland Islands, 1763 to 2013* R. Trevor Wilson 2016 in *Journal of Agriculture and Environmental Sciences* June 2016 vol.5 no.1 pp.1-19

2855 Manning 1932 pp.230-233. Also Fitte 1966 pp.430-432. Commander Duncan only spiked the settlements cannon and burnt the powder, so that they could not be used against him.

and after repeated hearings and examinations, the bankrupt passed his final examination, and today appeared to apply for his certificate." [2856]

"The Judge felt,.. that he had been too sanguine in his expectations of bringing the Government to consider the hardship of his position, from difficulties, in which generosity and misplaced confidence had involved him …. he alleges, … that the expenses he had incurred by sending ships out to the Islands with emigrants, was for the purpose of enabling the then-existing Government to lay claim to them as a Colony." [2857]

February 21st, in Buenos Aires, Baring Brothers Bank representative Palicieu Falconet informs the Foreign Ministry that their suggestion that the Falkland Islands be exchanged for the outstanding debt is unacceptable; *"... Lord Aberdeen having rejected all claims in this regard."* [2858]

March 16th, from Montevideo, Samuel Lafone writes to the Colonial Office offering to lease all the land south of the Wickham Heights on East Falkland Island; with a right to slaughter wild cattle and to import migrants. [2859]

March 20th, in Buenos Aires, regarding the debt to Baring's Bank, Minister Insiarte repeats the offer to Falconet, based upon; *"... the legitimacy of the rights of the Republic to the territory."* [2860] However, the Argentine government does agree to restart payments from May 1st. [2861]

March 23rd, at Port Louis, Lafone's agent, Marcelino Martínez, returns and is interviewed by the Governor.

"When ... Moody asked Martinez what capital Lafone proposed to raise in England, and what elsewhere, the latter merely responded that "Nothing definite is resolved on this point." When asked what capital he thought necessary to the enterprise of establishing cattle farms, selling stock, and killing bulls, fat oxen, and older cows for hides and other products, Martínez replied that "A definite amount of capital is not to be come at, as in the case of carrying out with success the enterprize, the operations, for some time, will constantly (be) repeated, and mutiplying of stock will represent both outlay and increase. ... All that can be said is, that the necessary amount will be found, and it is believed that the results, if it please God to prosper the undertaking, will surpass the expectations of the British Government..." Moody was concerned..." [2862]

Martínez assures Governor Moody that they will find willing emigrants from the Shetland Islands.

March 30th, some of the settlers start to move from Port Louis to the site of the new town.

"Port Louis, March 30 Your Excellence

Sir, knowing that it is His Excellency's desire that all the settlers be removed to Port Jackson, to be carried out as quickly as possible, I have decided not to be the last to do so. The only difficulty I have is that I have just been awarded a plot of land, and I am not prepared to buy half an acre because I do not have enough money. But if Your Excellency would grant me a Lot (big) enough to build a small house or exchange any plot of land in Port Louis for one in Port Jackson (so) that I could manage to move to Port Jackson this season, … I would be very grateful.

Your Excellency's humble servant – Antonina Roxa" [2863]

2856 *London Evening Standard* Wednesday January 17, 1843
2857 *The Colonial Magazine* Wednesday January 17, 1843
2858 Rozas 1948
2859 Pascoe 2022 vol.2 p.574. See March, 1846 below.
2860 Rozas 1948
2861 Lasted until October 1, 1844.
2862 Bernhardson 1989 p.271
2863 Quoted in Canclini 2014 p.119. No source cited.

"It is written in very good English and it is assumed that it was written by someone else, since it can be doubted that she knew how to write." [2864]

In **April**, work commences on Government House.

April 19th, in Buenos Aires, US agent Watterson's arrival is met with enthusiasm by President Rosas whose territorial ambitions are struggling in the face of an informal coalition of France, England, Brazil, Uruguay, Paraguay and Chile. No mention of the 1831 *Lexington* dispute is made by either side.

In London, on the same day, in the House of Commons; *"£9812 were voted for the Falkland Islands. Mr. Roebuck expressed a wish to be informed whether we had any clear right to these islands. Lord Stanley declared that this could not be disputed; and the colony was useful for furnishing our ships with fresh meat &c."*

April 22nd, at the Falkland Islands, Capt. John James Onslow returns, commanding HMS *Daphne*.

"... (he) expressed his extreme regret to find such little progress made since be planted here the British flag, as commander of H.M.S. 'Clio.' He says the place looks far more sad and miserable than it did then, and fewer persons resident; indeed, there will not shortly be a civil labourer left, for every ship putting in takes away two or three." [2865]

In **May**, at Port Louis, Samuel Lafone's formal proposals arrive for the consideration of the Governor.

May 17th, in England, the *Hull Advertiser* reports:

> *"The population of the Falkland Islands, according to the last accounts, consisted of 111 individuals, including government officers, military, and seamen, but of permanent settlers there were only 56, of whom 31 were from the United Kingdom"*

May 30th, from the Falklands, Governor Moody writes to London proposing that the new town be called Stanley, after Lord Stanley, Secretary of State for War and the Colonies. [2866]

"The detachment at the Falkland Islands continued throughout the year to labour in the establishment of the new settlement at Port William, which was situated on the south side of Jackson's Harbour, and sloped from the shore to a ridge of rocks about a quarter of a mile inland. Notwithstanding the stormy character of the seasons, the detachment constructed three good jetties, made roads and pathways, and formed several ditches to drain the land and mark the different boundaries. They also erected and finished with interior fitments, the Governor's house, and besides building a temporary barracks for the party with workshops and other convenient premises attached, small commodious cottages were run up for persons in official employment. Of the services and intelligence of sergeant Hearnden the Governor wrote in terms of unqualified praise. Both as a soldier and private individual, the influence of his example was felt in the colony, and he is stated to have been in an eminent degree faithful and successful in the discharge of his duty. Most of the men were also well spoken of for their excellent behaviour and zeal; and amid the innumerable inconveniences of their situation and services, they maintained their military character and discipline unimpaired. This was the more commendable as the temptation to drunkenness—the prevailing vice in the colony—was, from the absence of the common recreations so usual in England, and the inclemency of the weather, almost irresistible." [2867]

2864 *Ibid.*

2865 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series* 1844 vol.1 p.614. To be taken with a pinch of salt, as the author of this item was the bankrupt, George Whitington.

2866 Edward George Geoffrey Smith-Stanley, 14th Earl of Derby. Secretary of State for War and the Colonies September, 1841 to December, 1845.

2867 Connolly 1855 p.434

Diplomat and accomplished artist, Sir William Gore Ousley travels to Buenos Aires, as British Minister.[2868]

June 14th, formal diplomatic ties between Buenos Aires and Washington resume. William Brent jnr is appointed US *charge d'affaires*.

> *"... the suspension of the question in reference to the Falkland Islands, involves of course a suspension of the claims of the citizens of the United States, growing out of the seizure of their sealing vessels there, if indeed any claim could be preferred against that Govt. on their account, without implying that Vernet's authority was lawful. The obligation to make amends for an improper exercise of jurisdiction would seem to be inseparable from the right of jurisdiction itself."* [2869]

July 12th, at the Falkland Islands, American sealers *Pavilion* (Capt. Adams), *Richard Henr*y (Capt. Beck) and *Sarah Louise* (Capt. Plaskett) are reported to be sealing.

"As his predecessors had done, Moody also asked the Admiralty to station additional armed patrol vessels in the colony during the breeding season. Again the Admiralty refused, and illegal hunting continued..." [2870]

July 15th, Governor Moody moves to the new Falkland Islands capital at Port William.

August 12th, in England, the *Morning Post* announces:

> *"Sir, I am directed by Lord Stanley to inform you, that in consequence of the superior advantages of Port William, in the Falkland islands, over Port Louis, the governor has been authorised to remove the site of the principle town, which had been originally fixed at the latter, to Port William."* [2871]

August 16th, from the Falklands, Moody again writes to Lord Stanley requesting that the name of the new capital be – Stanley.

October 7th, from the Falklands, Governor Moody reports that he has issued inconvertible notes for 2s.2d. each; redeemable at will and not on demand, to be made legal tender; in order to cover a shortfall in the funds voted by Parliament. [2872]

'No. 159. Anson, Falkland Islands.

'I promise to pay the Bearer the sum of Two Shillings and Two Pence on the part of the Colonial Government.

(Signed) 'R. C. Moody, ' Lieutenant-Governor'

2868 Ousley's knowledge of Buenos Aires went back to 1826. The painting above is of Buenos Aires by Ousley.
2869 *Secretary of State Calhoun to William Brent Jr. General Instructions No.1 July 15, 1844*
2870 Dickinson 2007 p.53
2871 *Downing Street to Lloyds* in the *Morning Post* Monday August 12, 1844
2872 *Sydney Morning Herald* May 20, 1845. Vernet's promissory notes could still be found on the Islands.

This motivates a letter to the press; *"By the way, Mr. J. B. W.– who has paid the government a deal of money one way and another; and what becomes of it I don't know, for we are treated with government paper, of which I send you a specimen: … Now, as it is here legal tender, and only redeemable at will, and not on demand, we must take it, and keep it."* [2873]

November 22nd, William Henry Moore, an Irishman, is appointed as Stipendiary Magistrate to the Islands. [2874]

November 30th, *The Australian* reports.

> *"It is a matter of infinite gratification to learn, that Her Majesty's ministers have at length become fully alive to the vital importance of the Falkland Islands, and have, (according to a generally accredited report) decided upon their immediate colonization and simultaneous formation of a strong naval depot. This is, indeed, an object of vast consequence to the nation, placing a new Gibraltar within her grasp – a haven of safe retreat to her friends…"*

In London, Lord Stanley responds to the information regarding Moody's inconvertible currency notes.

> *"Her Majesty's Government regrets that, even for a temporary purpose, you should have entertained such a project, … The estimate about to be submitted to Parliament, will, if approved, afford the means of redeeming all this paper, and you will understand that you are not hereafter, on any consideration whatever, again resort to such an expedient."* [2875]

December 2nd, in the Falklands, Governor Moody names a hill to the west of the new town – Mount Longdon.

December 4th, from the new town site, Moody reports that those remaining at Port Louis are; *"Mr Whitington, two boys and an old black woman."*

December 27th, in Buenos Aires, Governor Juan Manuel de Rosas speaks to the *Legislatura de la Provencia.*

> *"The Government has not ceased to urge the perfect right of the Republic to the territory of the Falkland Islands."* [2876]

"Papers from Buenos Ayres, reaching to the 25th January, afford further evidence of the unsettled state of the Argentine Confederation in its foreign relations,… It observes that Rosas whether in earnest, or with the view of amusing his own subjects, still asserts his right to the Falkland Islands." [2877]

2873 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series* 1844 vol.1 p.611. *J.B.W* is, presumably, John Bull Whitington. The letter undoubtedly from his brother, George.

2874 Described as the caricature of a provincial lawyer, Moore was argumentative, self important, on the make and a heavy drinker. He is reputed to have argued often and violently with both of the Governors he served under.

2875 *The Sydney Morning Herald* September 26, 1845

2876 *FO 6/502/284*

2877 *Morning Advertiser* Tuesday April 8, 1845

1845 – January 17th, *La Gaceta Mercantile de Buenos Ayres* reports:

> "*The support of the perfect right of the Republic to the territory of the Falkland Islands that the government perseveres to is not contradicted by the fact that the British government has not settled so just a claim…"*

January 28th, from Buenos Aires, William Brent Jr., US *charge d'affairs*, writes to US Secretary Calhoun. He reports that he has informed Argentina's Foreign Ministry that Washington is not prepared to discuss any outstanding claims relative to the Falkland Islands [2878]

> *"I have had two interviews with the Ministers of Foreign Affairs, related to the settlement of the respective claims of each Government, and with the signing of a treaty between them. The result of these conversations is that the resolution of the complaints will be adjusted by the Minister of Foreign Affairs and myself, here, unless during the progress of the business, it is considered more advisable to entrust the task to a commission. I have informed the Minister that I have full power to reach an agreement, except in the case of the Falkland Islands, since the United States does not feel inclined to enter into a settlement until the question of jurisdiction is resolved."* [2879]

March 3rd, in the Falkland Islands, stipendiary magistrate William Henry Moore arrives on *Hebe*.

April 2nd, Governor Moody appoints an Executive Council to advise him; comprising William Moore and Henry Hamblin.

April 5th, in England the *Liverpool Mail*, reports on the Falkland Islands:

> *"The lands in this colony are now open for sale. The mode of sale is the same as that adopted in the Australian colonies. The upset price of country lands is, for the present, 8s per acres. Town lots of half an acre each, and suburban lots of fifty acres each, will be put up at £50. Deposits of purchase-money may be made in this country, in the mode prescribed for the Australian colonies, but the depositors will be entitled to nominate for a free passage six, instead of four, adult labourers, for every £100 deposited."* [2880]

April 16th, from the Falklands, HMS *Philomel* sails, removing four of the original sappers & miners that had accompanied Moody in 1841; on a charge of insubordination and general bad character. [2881] Surveyor Murrell Robinson also returns to England.

"The Falkland Islands' detachment was still toiling in the formation of the colony, subjected to all the inconveniences and vicissitudes of a bad and depressing climate. Their duties embraced every variety of hard and laborious service, such as making excavations, drains, roads, jetties, building houses, huts, &c. Carrying heavy burdens of stores, and loading and unloading boats, were among their roughest tasks, accompanied as they were with the necessity of wading in the water on sharp stony beaches, which destroyed in a week or two the strongest boots. The wear and tear of clothes was almost ruinous; and to make up for the expenses incurred in replacing them, and in purchasing provisions which were dear, working pay, exclusive of regimental allowances, was granted to the men from 1s. 6d. to 4s. 6d. a-day. The sergeant received the highest rate, the privates the lowest. In winter they lived mostly in tents, with snow around and a humid soil beneath; and being constantly at work out of doors, they frequently returned at night, wet through, to a small cheerless

2878 *Brent to Calhoun January 28, 1845 No.3* in Manning 1932 p.259
2879 Quoted in Fitte 1966 pp.435-436
2880 *Liverpool Mail* Saturday April 5, 1845
2881 Private Christopher McRae (carpenter), Corporal William Richardson, Private Alexander Sibald (miner) and Private Samuel Turner (smith).

fire, never lending heat enough to dry their dripping clothes. At times they were on short allowance; and when flour was selling at 6l. 10s. per barrel of 192 lbs., the men were glad of the chance of buying a small handkerchief-full of damaged biscuit for 4s. 4d. To the recklessness of a wretched and lawless community, composed of men of the lowest class, was opposed the five or six gentlemen in official appointments and the sappers. The latter, however, from constantly working with them, were incessantly exposed to every kind of evil influence; and without amusement or subjects of interest to occupy their attention in the intervals of labour, four of the party gradually yielded to the prevailing corruption and were removed from the settlement. The residue were highly commended for their "esprit de corps", and sergeant Hearnden in particular, for his admirable conduct, was specially noticed in the Governor's despatches to the Secretary of State for the Colonies. The sergeant's trials were very great, his exertions unflagging, and his unrestricted devotion of every hour to the public weal was frequently warmly acknowledged by the Governor." [2882]

May 6th, near Port Louis, a longstanding resident, Richard Penny, is drowned in a boating accident.

July 18th, on East Falkland, the new capital is officially named after the Secretary of State for the Colonies.

September 18th, denied access to Paraguay by Argentina's closure of the Paraná river, French and British forces blockade the Rio de la Plata; effectively cutting off the port of Buenos Aires.[2883]

"The closing of the upper Paraná river brought further contraction of business, leaving open to foreign imports only a part of the interior of the United Provinces, ... The business world in England was much agitated over the situation. William Ewart acted as its spokesman in the house of commons, urging joint Franco-British action ... By January, 1845, England was prepared to join France in the first of a series of missions to Argentina, although still using its influence separately, as well. In September, the emissaries jointly declared a strict blockade of Buenos Aires, and soon after, a Franco-British fleet forced its way up the Paraná river..."[2884]

September 19th, HMS *Herald* and HMS *Pandora* visit the Falklands during a circumnavigation.

September 23rd, the Reverend James Moody is gazetted as Her Majesty's Colonial Chaplain at Stanley. [2885]

September 25th, Argentina's Tomas Guido reports a conversation with Brazil's *charge d'affairs* to Uruguay, Carlos Creus; *"... any treaty in which Spain recognized the independence of Argentina, would recognize the (Falkland Islands) as an integral part of it, for Spain, with possession, was the only country that could renounce it."* [2886]

"Carlos Creus, chargé d'affaires to the Republic of Uruguay, in a conversation with Tomás Guido, made him understand, very clearly,- "that in any treaty by which Spain recognized the Independence of the Republic the territory of these Islands would be recognized as an integral part of it; since Spain, having possessed them with full right, was the only one that could renounce it"." [2887]

October 20th, from Stanley, Governor Moody writes with concerns that with Britain blockading the Rio de la Plata, General Rosas may be inclined to some adventure against the Falkland Islands. Moody also raises his specific worries with regard to one member of the population.

2882 Connolly 1855 p.446

2883 Arguments stemming from 1838 were primarily about trade, and who controlled it. Not directly relevant to the Falkland Islands. At least, not until this dispute was finally resolved. *cf.* 1849

2884 Williams 1935. See November, 1845, below.

2885 *The London Gazette No. 20511*

2886 *Tomas Guido a F. Arana Sept 25, 1845* in *Archivo de Ministerio de Relaciones Exteriores, Buenos Aires.* The context of this conversation is not clear. Argentina only established full diplomatic relations with Spain in 1863. Uruguay in 1870. However, Spain did not recognise the Falklands as Argentine territory with either treaty. *cf.* 1863

2887 Caillet-Bois 1982 (6th ed.) p.341

"... a native of the United States named Smyley... he has the character of being an active, bold adventurous man with very few scruples... I am inclined to think that if the slightest encouragement were given by the Argentine Government, he would not hesitate to undertake any daring exploit... You will perceive I solicit a Guard for the Colony consisting of a detachment of Marines..." [2888]

"(Smyley) commanded and I have reason to believe commands, an armed schooner with a good compliment of men, sealers of all nations. He is ... better acquainted with every port creek and inlet of the Falkland Islands than any person existing, having sealed and whaled there for about fifteen years ... besides dwelling on shore for a few years in secluded parts which it is reported he made much money by slaughtering cattle and salting beef and hides, ..." [2889]

October 27th, grief stricken over the death of her third husband in May, Carmelita Penny (43 yrs) commits suicide. [2890]

November 13th, the Legislative Council of the Falkland Islands is founded.

November 20th, in the upper reaches of the Paraná river, an Anglo-French force breaks the chains across the river at Obligado, and forces a passage for merchant vessels. [2891]

"... a Franco-British fleet forced its way up the Paraná river, to open the route to Corrientes and Paraguay. It escorted one hundred merchantmen, with cargoes worth $1,600,000 ..." [2892]

"The Argentine defenders lost the battle, but the heroic fight against the European invaders inspired them with patriotism and united them behind Rosas, so the Battle of the Vuelta de Obligado became a defining symbol of Argentina's rise to nationhood." [2893]

Colonial chaplain, James Leith Moody, the Governor's brother, arrives in the Falkland Islands. [2894]

December 27th, in Buenos Aires, Governor Rosas sends his annual message to the Legislatura on its opening.

"The Government perseveres in remaining attentive to the incontestably perfect rights of the Republic to the territory of the Falkland Islands." [2895]

"The (Argentine) government continues to pay unremitting attention to the incontestable perfect rights of the republic to the territory of the Falkland Islands." [2896]

December 30th, the *Stanley Gazette* announces the creation of a Legislative Council comprising Governor Moody, William Henry Moore and the Reverend James Leith Moody.

2888 Moody quoted in *FO 6/502/182.*

2889 *Moody to Ousley October 20, 1845* in *CO 78/12* quoted in Dickinson 2007 p.56. See footnote to December 31, 1831

2890 One of Vernet's indentured slaves taken out to the Islands in 1828, she had avoided deportation by the USS *Lexington* in January, 1832, by hiding in Camp, and had survived the August, 1833 killings. Carmelita had borne three children to three different man (all carried their respective father's surname, and two, his first name) – Jose Simon, Manuel Coronel and Richard Penny. Juan Simon had been murdered in 1833 while Coronel had died in an accident in 1841. Penny's fatal accident on May 6, 1845, must have been too much. Richard Penny (junior), is recorded as still being on the islands in 1846 (aged 9) and again in 1851. In 1858, Jose Simon married Christina Escovally at Stanley. *cf.* 1828, 1830, 1833 & 1842

2891 Relevant to later events. See 1849.

2892 Williams 1935. See September, 1845, above, and 1847, below.

2893 Pascoe 2020 p.180

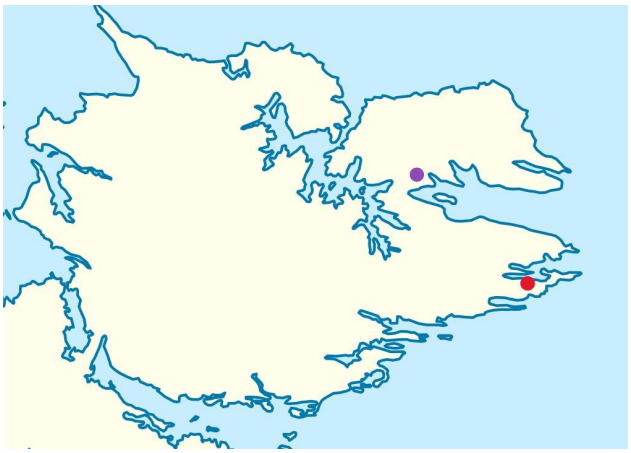
2894 Exact date not recorded. See - https://www.falklandsbiographies.org/biographies/moody_james

2895 *FO 6/502/284.* Also *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.89

2896 *London Evening Standard* Thursday April 16, 1846

1846 – February 2nd, in the Falkland Islands, Governor Moody contracts with Jacob Napoleon Goss to build a corral for cattle on Sappers Hill. [2897]

February 25th, from Stanley, Moody reports.



"It is with pleasure I am enabled to inform your Lordship of the entire satisfaction with which the removal of the settlement from Anson to the present site is now regarded by, I believe, every individual in the colony. ... Three jetties have been constructed at an expense to government of (in all) £293 6s 7d; and now the expense in landing stores here is only about one-third the expense of landing them at Anson .... Seven town and four suburban allotments have already been purchased from the Crown, and these again subdivided among individuals; in addition to which one town allotment is rented by a Government officer, and five are occupied by settlers,...." [2898]

March 16th, Samuel Lafone contracts to hunt the wild cattle on East Falkland Island. [2899]

"Her Majesty Queen Victoria sells to Lafone that part of East Falkland lying south of the isthmus in Choiseul Sound, Also the islands in Choiseul Sound, and all other islands adjacent to the coast purchased; also Beauchene Island; also one town allotment of half an acre, and one suburban allotment of twenty-five acres in the principal town. For six years and six months from this date, Lafone to have absolute dominion over all wild cattle, horses, sheep, goats, and swine on east Falkland. 3d. For the above advantages, Lafone is to pay her said Majesty Queen Victoria, £60,000 by instalments..."[2900]

In Buenos Aires, Luis Vernet is less than happy; *"(The) Government has sold a part of my lands and all the wild cattle, estimated in the Parliamentary papers of 1841 and 1842 at 40,000 head,... and refuses to give me compensation for this property of mine, property which I have shown in my memorials, and will again show, is legitimately MINE."* [2901]

"Lafone was awarded the contract – signed by his brother Alexander Ross Lafone – in March 1846. This dismayed Moody as it effectively prevented his allotting wild cattle to new settlers and made Stanley dependent on Lafone for beef..." [2902]

March 25th, in London, at a meeting of the Geological Society, Charles Darwin presents a paper entitled - "*On the geology of the Falkland Islands*".

"The Falkland Islands being a British colony, and the most southern point at which palæozoic fossils have hitherto been discovered, I am induced to lay a short account of the geological structure of these

2897 *Penguin News* April 27, 2012
2898 Reported in *The Sydney Morning Herald,* New South Wales November 12, 1847. Moody insisted on calling Port Louis, 'Anson' despite his plans having been rejected. The map shows Port Louis/Anson (purple) and Stanley (red)
2899 Contract signed by Alexander Lafone, who resided in London.
2900 *CO 78/43.* Lafone was the first of the absentee landowners, never visiting the Islands.
2901 Vernet 1858
2902 Wilson 2016

islands before the Society. They stretch from 51° to 52° 30' south, and extend about 130 miles in longitude. My examination was confined to the eastern island; but I have received, through the kindness of Captain Sulivan and Mr. Kent, numerous specimens from the western island, together with copious notes, sufficient to show the almost perfect uniformity of the whole group." [2903]

April 6th, ex-Consul Thomas Samuel Hood writes to Foreign Secretary Lord Aberdeen, with suggestions on how to deal with the Rio de la Plata dispute. Ideas gleaned from a letter in a January newspaper.[2904]

"Regarding the means of settling the present question in the River Plate, we are of opinion that if the belligerent rights of General Rosas were acknowledged, the squadron and the island of Garcia returned to him, and an obligation entered into to disarm the foreigners at Monte Video, he would at once evacuate the Banda Oriental" [2905]

May 5th, Thomas Hood is appointed to negotiate a resolution of the dispute with the Argentine Confederation on the basis of his suggestions.

July 2nd, at Buenos Aires, Thomas Samuel Hood steps ashore to open negotiations with President Rosas.

"He obtained Rosas's agreement, but his mission failed owing to strong disagreements between Hood and the British and French Commissioners (Gore Ousley and Deffaudis were both bitterly opposed to Hood), and between various factions among the French (who had several thousand troops and several thousand civilian settlers in Uruguay)... No agreement was reached; the Anglo-French blockade of Buenos Aires continued and Hood was recalled..." [2906]

July 6th, in England, Lord Palmerston returns to the office of Foreign Secretary.

August 29th, at Stanley, the first meeting of the Legislative Council is held. James Robert Longdon is selected as Clerk to the Council.

September 19th, in the Falkland Islands, *Trafalgar* sails from Berkeley Sound.

"By the Trafalgar transport, arrived at Spithead, there is intelligence from these islands to the 19th of September. Its report of the state of affairs there is discouraging.

There were about 100 inhabitants on the island. Most of the emigrants were employed by government making its roads, at 5s to 6s per day. The sheep had nearly all perished.

No vegetables were reared on the settlement. General discontent pervaded the settlement and had turned itself against the governor." [2907]

2903 See - http://darwin-online.org.uk/content/frameset?viewtype=text&itemID=F1674&pageseq=1

2904 *Hood to Aberdeen April 6, 1846* in *FO 6/129 fols.44-45*. Hood had been British Consul to Uruguay 1824 to 1839 and seemingly knew both General Rosas (Buenos Aires) and General Oribe (Montevideo).

2905 Name of the newspaper not stated, nor the exact date. The reference to a squadron, was to a number of ships seized by the British navy. These suggestions would become known as the Hood bases; despite Hood not being the originator.

2906 Pascoe 2022 vol.2 p/569. See 1848 & 1849 below.

2907 *London Daily News* Tuesday December 22, 1846

October 12th, in the Falklands, a census return records 145 inhabitants, noting that had been five births, three deaths and one marriage.[2908] Amongst those listed are Antonina Roxa[2909] and Gregoria Parry. [2910]

October 27th, at Stanley, the Legislative Council meets. As the first order of business, the Standing Rules and Orders are amended to provide for the reading of prayers before the Council commences business. [2911] The Legislative Council enacts the *Constables Ordinance*, as the foundation of a local police presence.

November 1st, Francis Parry is appointed as Chief Constable of the Falklands Colony. [2912]

November 11th, *Catherine* (Smyley) arrives at Port Stanley with horses and goods for sale.

November 20th, from Montevideo, *Vigilante* (Coe) arrives in the Falkland Islands with stores and passengers sent by Samuel Lafone.

November 22nd, at Stanley, *Paloma* (McCaul) also arrives from Montevideo with more gauchos to hunt the wild cattle. [2913] Farm manager, Richard Almond Williams, steps ashore.

December 2nd, HMS *Nautilus* sails into Port William; *"with Government stores, specie Provisions and Emigrants."* [2914]

December 16th, *Magoon* arrives at Stanley with stores for Lafone's agents.

December 18th, with his stock sold, *Catherine* (Smyley) sails for Montevideo.

"Smyley saw at once that big changes were afoot in the Falklands; he left Stanley on 18 December 1846 and evidently sold the Catherine and obtained a much bigger ship to take advantage of the new boom." [2915]

December 27th, in his annual message to the Buenos Aires *Legislatura*, Governor Rosas asserts Argentina's position over the archipelago.

> *"The Government perseveres in upholding the perfect rights of the Confederation to the territory of the Malvinas Islands."* [2916]

2908 The census had been held in March, 1846. See - https://nationalarchives.gov.fk/jdownloads/People/Census Information Early Settlers/8 1846 - alphabetical order notes.pdf

2909 Recorded as age 33, two years less than that given in 1842.

2910 Noted as a native of the Argentine Republic, Gregoria was the last survivor of the group of indentured slaves removed to the islands by Luis Vernet in 1828. Referred to as Gregoria Madrid in 1833; her age given as 28 in both 1842 and 1846. Parry/ Perry appear interchangeable. Interestingly, the census for 1846 shows no "*coloured*" females.

2911 Still in effect in 2025

2912 *Constables Ordinance 1846.* The prefix '*Royal*' would be added to the Falkland Islands Police Force in January, 1992. Parry was still working as gaoler in Stanley at the age of 73 in 1883. See Pascoe 2022 vol.2 pp.573-574

2913 *False Falklands History at the United Nations: How Argentina misled the UN in 1964 – and still does* G.Pascoe & P. Pepper 2012 p.6

2914 Pascoe 2022 vol.2 p.574 citing the *Falklands Shipping Register 1846*

2915 Pascoe 2022 vol.2 p.575

2916 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 p.111. Noted in the *Evening Chronicle Friday April 9, 1847*

1847 – at Stanley, Governor Moody officially opens Government House. [2917]

January 29th, Richard Moody writes to the Colonial Office in London to tender his resignation. [2918]

In **May**, at Buenos Aires, a Frenchman, Count Walewski, and an Englishman, Lord Howden, arrive to mediate with President Rosas; in an attempt to end hostilities and lift the Anglo-French blockade.

> *"We have news from Buenos Ayres to the 26th inst., but nothing was known as to how the negociations (sic) were proceeding. … The following additional intelligence appears in the (Times) for the correctness of which, however, it does not hold itself responsible:- "The Priscilla, arrived at Cork from Rio, brings advices that the Rattler had arrived there, and that nothing was done with Rosas, who demanded the cession of the Falkland Islands, and a payment of 4,000,000 dollars (…), as an indemnity for negotiating at all."..."* [2919]

> *"... we learn that the hopes of a speedy termination of the long-continued and barbarous warfare by which the Argentine territories have been desolated, are likely to prove fallacious. It is stated that Rosas, encouraged by the recal (sic) of the former British Minister, Mr. Ousley, now insists upon a pecuniary indemnity of four million of dollars from the French and English Governments before he will treat with them; and some private accounts state, that to this insolent demand he has added an even more outrageous, namely, the cession of the Falkland islands by England!..."* [2920]

May 10th, at Stanley, *Napoleon* (Backer) arrives with, among others, twelve gauchos, four wives and a child aboard, all from Argentina. Followed by *Vigilante* (Bennett), with fourteen gauchos and four boys. All employees of Samuel Lafone. The ships also carry 30 settlers from Spain, and 24 from Uruguay.

"Moody's estimate of Lafonia's area was quickly discovered to be about twice the true extent. The implications for cattle numbers not only affected Lafonia but East Falkland as a whole because estimates were based on counts of sample square leagues extrapolated to the presumed area of the island. East Falkland is now known to cover 2,250 square miles. A total of 30,000 cattle would imply 13.33 cattle per square mile whereas 100,000 would equate to almost 45 per square mile. Lafone now started litigation with Moody that was to continue for years..." [2921]

"... for the 350-ton Norwegian ship Napoleon, which reached Stanley from Montevideo on 10 May 1847 with a total of 117 people, there is a passenger list, which names 104 people with their countries of origin. There were 77 men, 18 women and 9 children, including 12 Argentine men, with 4 women and 1 child; there were 15 Uruguayan men, with 6 women and 3 children, and 24 "Spanish" men with 4 women and 2 children (some of whom may have been South Americans). Thus out of those 104 people, 71 were Spanish-speaking. There were also 16 French men, with 2 wives and 1 child; 3 Brazilian men; 1 German with his wife; and 6 British men with 1 wife and 2 children. Such details are not recorded for the other ships Lafone sent, so it is likely there were more Argentinians. Of those people, 78 were still there in 1851, including 17 Argentinians and 15 Uruguayans, which suggests that the original total had been more than 17 Argentinians. The documentation disproves assertions by Argentine authors (and speakers at the United Nations,) that Argentinians were not allowed to go to the islands." [2922]

2917 Although only one wing appears to have been completed.
2918 Accepted June 23, 1847.
2919 *The John Bull* Saturday August 14, 1847. In the *Manchester Courier & Lancashire General Advertiser* Wednesday August 18, 1847, the demand for a cession of the Falklands was described as "*very modest.*"
2920 *Perthshire Advertiser* Thursday August 19, 1847
2921 Wilson 2016
2922 Pascoe 2020 p.278. One of the Spaniards was Jose Llamosa who, in 1870, leased 12,000 acres of East Falkland.

May 15th, Richard Almond Williams is appointed a member of the Legislative Council.

June 23rd, in London, Secretary for War and the Colonies, Earl Grey, acknowledges and accepts Governor Moody's resignation. [2923]

July 3rd, at Stanley, Governor Moody proclaims a grazing scheme to encourage small-scale farming by way of a general permit for the occupation of grazing land until such time as a accurate survey can be made. [2924]

"Any licensee who was not the eventual purchaser would be entitled to compensation. ... At the time, however, the proclamation caused friction between Williams on the one hand and Government and aspiring landowners on the other. ... a few settlers took advantage of the new proclamation, to the annoyance of Lafone's agent" [2925]

July 15th, in Buenos Aires, following a failure to get any agreement in the Paraná river dispute, Lord Howdon instructs Commodore Sir Thomas Herbert to change tactics.

> *"... the blockade, having entirely lost its original character of a coercive measure against General Rosas, has become exclusively a mode of supplying with money, partly the Government of Monte Video, and partly certain foreign individuals there, to the continued detriment of the extensive and valuable commerce of England in these waters; I hereby request you, Sir, to raise the blockade of both sides of the River Plate,..."* [2926]

> *"(Rosas) also insists on the right of the Falkland islands; so that, even if Lord Howden was ever so well disposed towards Rosas, he could not countenance such monstrous propositions, and the end of it will be, that England will withdraw herself.... By the return to France of the Baron Desfandes,.. it would appear that France, as well as England, will back out and leave Monte Video to the cruel fate that awaits her."* [2927]

"The British forces withdrew from this intervention in mid-1847, probably because British merchants in Buenos Aires finally made their protests heard. Thereafter the French had but a single warship stationed off Buenos Aires, and this quasi-blockade ended in midwinter of 1848..." [2928]

July 17th, reported in Holbart's *The Courier*.

> *"The lands in the Falkland Islands are now for sale... The price of country lands is, for the present, 8s per acre. Town lots of half an acre each, and suburban lots of fifty acres each, will be put up at £50..... depositors will be entitled to nominate for a free passage for six, instead of four, adult labourers for every £100 deposited."*

In **September**, a red and white triangular beacon is erected at Cape Pembroke. To attract ships passing to the east of the archipelago.

"... from the few Vessels that come into this port, is attributed to the ignorance of most Merchant Captains that there is a British settlement here, where supplies can be obtained." [2929]

October 15th, at the port of Stanley, *Christiana* (Smyley) anchors with horses and cargo for Lafone's agents.

2923 See December, 1847 below
2924 *Moody to Grey July 3, 1847* in Bernhardson 1989 p.286
2925 *Ibid.*
2926 Howden quoted in *Comercio del Plata* July 19, 1847
2927 *London Evening Standard* Wednesday September 8, 1847
2928 *Naval Warfare in the Rio de la Plata region, 1800 – 1861* C. B. Kroeber 1956
2929 *J. M. Dean to W. Dobson (Secretary, Lloyds) September 13, 1847* published in *Lloyds List* December 30, 1847.

November 6th, the *London Daily News* notes:

> *"It is reported that Mr. George Rennie, formerly MP for Ipswich, has been appointed governor of the Falkland Islands."*

November 11th, *Vigilante* (Bennett) arrives at Stanley with; "*... Emigrants for Mr. Lafone.*" [2930]

"... in 1846 and 1847 something like 150 people arrived in the Falklands evidently intending to work and settle in the islands (the exact number is unreconstructable). Of those people, by far the largest proportion – at least 85 people (57% of the total) certainly well over half – were Spanish-speaking and included at least 17 Argentinians, almost certainly more. The document disproves the frequent assertions by Argentine authors (and speakers at the United nations) that Britain did not allow Argentinians to go to the islands." [2931]

November 21st, at Stanley, HMS *Nautilus* arrives with stores for Lafone's managers.

November 30th, in Peru, a conference is proposed by the Peruvian government to discuss Spanish attempts to recover some of its old colonial territory in South America. [2932]

"*In the instructions of the Peruvian Government of Nov. 30, 1847, to its plenipotentiary, we therefore find this paragraph: "There will be a stipulation made between the allied nations to preserve their territorial integrity: consequently, they will not permit any foreign power, under any pretext whatever, to occupy any part whatever, no matter how small it may be, of the territory of any of the allied States, who for fixing their limits will adhere to the rule of the uti possidetis of 1824, when the war of independence ended with the battle of Ayacucho"."* [2933]

From Port Stanley, on the same day, HMS *Nautilus* sails for England.

December 4th, thirty-two residents of Stanley petition the Governor, complaining that the beef supplied by Lafone's agent is unfit for consumption. [2934]

December 11th, at Lima, South American Ministers from Bolivia, Chile, Ecuador, New Granada and Peru meet in an attempt to revive the Bolivarian ideal of an united Latin America. Britain, the US and the Argentine Confederation send observers. [2935] Spain is not invited.

"It is sometimes stated that the uti possidetis of 1810 was proclaimed by the Congress at Lima in 1848, but the statement appears to be not altogether accurate. The assembling of this Congress, which met on Dec. 11, 1847, on the invitation of the Peruvian Government, and in which Bolivia, Chile, Ecuador, New Granada (Colombia), and Peru were represented, was due to the apprehension felt as to the expedition which General Flores was organizing in Spain to recover the government of Ecuador." [2936]

2930 Pascoe 2020 p.277 fn.5

2931 Pascoe 2022 vol.2

2932 A reported attempt by a Venezuelan General, Juan Jose Flores, to organise an expedition to establish a United Kingdom of Ecuador, Peru and Bolivia under a monarchy and with the support of a European power; such as Spain. His plans failed to materialise, although he did become the first President of Ecuador.

2933 Moore 1913. The Battle of Ayacucho was the deciding encounter in Peru's pursuit of independence, and marked the final retreat of Spain from South America.

2934 Berhardson 1989 p.285. See July, 1848, below.

2935 Rosas still held out hopes of regaining control over Uruguay and Paraguay and was unwilling to commit to a conference concerned with South American solidarity.

2936 Moore 1913

"The norm cascade stage in the development of uti possidetis – when states that have accepted the norm attempt to socialize other states to accept it as well – began with the 1847-1848 Congress of Lima, which was the first multilateral effort that we are aware of that explicitly addresses the intraregional dimension of territorial integrity." [2937]

December 15th, in the UK, Lieut. George Rennie is gazetted as Governor of the Falkland Islands. [2938]

> *"The detachment of Sappers and Miners stationed at the Falkland Islands, under the command of Capt. R. C. Moody, the governor and commander-in-chief of those islands, is under orders to return home, Capt. Moody having been superseded in the governorship of that colony."* [2939]

December 16th, at Lima, a draft treaty is submitted to the Congress.

"By Art. VII of this project it was proposed that the Confederated Republics should "recognize as a principle founded in perfect right, for the fixing of their respective limits, the uti possidetis of 1810"; that, in order to mark such limits, when they were "not found in a natural and precise way" (donde no lo estuvieren de una manera natural y precisa), they should name commissioners, who, having met, and recognizing as far as possible the territory involved, should determine the dividing line." [2940]

December 17th, discussions at Lima continue.

"When Art. VII was reached, Peru proposed to substitute the uti possidetis of 1824 for that of 1810. A majority of the Plenipotentiaries expressed the view that the battle of Ayacucho had nothing to do with the discussion, and had created no new right as to limits; that the Spanish-American Republics could found their territorial rights only on the dispositions of the Spanish Government, in force at the time of the declaration of independence, and on the treaties and conventions celebrated since that date, and this was what the article provided. ..." [2941]

December 18th, in England, the *Hampshire Chronicle* reports the return of HMS *Nautilus*:

> *"Yesterday the Government transport Nautilus came up to Spithead, from South America, bringing news from the Falkland Islands to the 14th of August, at which time they were in the most abject state of distress. The Nautilus lay at the islands three weeks before she could get a bullock. All the improvements contemplated for giving character and employment to the place were stopped, the Government had not hands, or anything for them. The islands in short, were in a fair way of being deserted. The three roads laid out by the governor were not proceeded with."*

December 27th, in England, responding to a letter from Lafone's brother in Liverpool, the British Government refutes the poor picture of the Falklands painted by the journals.

> *"I am desired by Earl Grey to state that he has much satisfaction in acquainting you that the unfavourable account of the state of the Falklands, contained in The Times of Saturday week, is not confirmed by the official despatches. ... They include the usual periodical returns of the progress of public works up to the middle of the year, and neither mention that they have been arrested, or that*

2937 *Territorial Integrity Treaties, Uti Possidetis, and Armed Conflict over Territory* Paul R. Hensel, Michael E. Allison & Ahmed Khanani 2006
2938 *The London Gazette No. 20801.* A civilian of Scottish heritage.
2939 *London Daily News* Monday December 27, 1847
2940 Moore 1913
2941 *Ibid.*

there has been any emigration of the small number of settlers hitherto located on these islands. They are about to be recruited, as you are aware, by some additional emigrants from this country.

The returns from the Governor show that he had in his possession an ample store of provisions for the subsistence of the settlers, and active measures were in progress to tame and render available portions of the large herds of cattle belonging to the Crown in the Falkland Islands." [2942]

In Buenos Aires, on the same day, Governor Juan Manuel de Rosas presents his annual message to the Legislatura of the Province. [2943]

"The justice of the claims of the republic over the unjust detention of the Malvinas Islands by the Government of His Majesty imposes on the Confederation a strict duty to sustain them, as it will always sustain them." [2944]

December 30th, in the Falkland Islands, Governor Moody forms a militia with two platoons of infantry from the population. [2945]

At Stanley, on the same day, *Christiana* (Smyley) returns with more horses and cargo for Lafone's managers.

1848 – January 13th, from Buenos Aires, General Rosas protests to the Austrian Minister regarding Austria's recognition of Paraguay as a nation; *"... acceding to undue solicitations made to it by that of the Province of Paraguay for the recognition of its pretended independence as a sovereign State..."* [2946]

January 24th, in California, gold is discovered. Sparking a dramatic increase in ships doubling Cape Horn. [2947]

January 29th, reported in Perth, Australia.

"The official and private accounts from Anson, the chief settlement of the Falkland Islands colony, have been so gloomy and discouraging for some time past, that many persons have doubted the probability of continued possession; and few persons have been found adventurous enough to enter personally upon the work of colonization there. We learn, however, that since the substitution of Stanley for Anson, as the chief settlement, some very marked alterations and improvements have become apparent in the position and prospect of the settlers;...

The amount invested by the Government, and individual colonists at the new settlements is between £10,000 and £20,000; and..., we shall not be surprised to learn that a considerable increase of population has taken place." [2948]

February 8th, the Lima Congress concludes with the *Treaty of Confederation* signed by Peru, Bolivia, Chile, Ecuador and New Granada. [2949] It includes an agreement on borders.

2942 *Hawes to Lafone December 27, 1847* published in the *Evening Mail* Monday January 3, 1848

2943 In London, Rosas's address was reported in, *inter alia*, the *Evening Mail* Friday March 31, 1848

2944 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 p.148

2945 Probably no more than 16 men.

2946 *FO 6/145/136*. Paraguay had declared itself independent in 1811. Argentina in 1816. In 1848, after 37 years, Buenos Aires still referred to Paraguay as one of its provinces - calling its President, 'Governor'. Austria's recognition brought the issue to the fore and may have been a prominent reason for Rosas to settle with Britain and France. Rosas went to war with Paraguay shortly thereafter.

2947 Within 2 years the number of ships stopping off at Stanley more than doubled. The population would grow in response.

2948 *The Perth Gazette and Independent Journal of Politics and News*

2949 The Republic of New Granada was formed in 1831, and survived until 1856.

"Article VII. The Confederated Republics declare their right is perfect to keep the boundaries of their territories as they existed at the time of the independence from Spain of the respective Viceroyalties, Captaincies-general or Presidencies, into which Spanish America was divided; and in order to mark out said boundaries where they are not found in a natural and definite way, they agree that in such case the Governments of the Republics interested shall appoint commissioners, who having met and recognizing as far as may be possible the territory under consideration, shall determine the dividing line of the Republics, taking the summits that separate the waters and thalweg[2950] *of the rivers, or other natural lines, provided the localities permit it; to which end they shall be able to make the necessary and compensatory exchanges of land, in such manner as may best suit the reciprocal convenience of the Republics.*

If the respective Governments do not approve the demarcation made by the commissioners, or if the latter are not able to come to an agreement in order to make it, the matter shall be submitted to the arbitral decision of one of the Confederated Republics, or of some friendly Nation, or of the Congress of the Plenipotentiaries. The Republics which, having been parts of the same State at the proclamation of independence, were separated after 1810, shall be kept within the boundaries which they recognized for themselves, without prejudice to the Treaties they may have celebrated or shall celebrate in order to vary or perfect them in conformity with the present article. What is provided in this article shall in no way alter the Treaties or Conventions concerning boundaries celebrated between any of the Confederated Republics, nor constrain the liberty which these Republics may have to arrange among themselves their respective borders." [2951]

"1847-1848. Congress of Lima (December 11 to July 8) to form an alliance of American republics. Five powers represented. A confederation agreed on, and a postal convention, but never ratified." [2952]

"It thus appears that in the final treaty the specification of a date when the several viceroyalties, captaincies-general and presidencies became independent of Spain was omitted, the year 1810 being mentioned only in connection with States which split up after the movement for independence began." [2953]

"The principle laid down the rule that the boundaries of the newly established republics would be the frontiers of the Spanish provinces which they were succeeding. ... To be sure, there were many regions that had not been occupied by the Spaniards and many regions that were unexplored or inhabited by uncivilised natives, but these sections were regarded as belonging in law to the respective republics which had succeeded the Spanish provinces... These territories, though not occupied in fact, were by common agreement considered as being occupied in law by the new republics from the very beginning." [2954]

2950 The line of lowest elevation within a valley or watercourse.

2951 Quoted in Moore 1913 pp.37-38. There had been previous agreements between some of the new South American nations to follow the boundaries as they had been generally recognised during the Spanish colonial period. Despite, in most cases, those lines not being accurately mapped. The 1848 Lima Congress was the first time, however, that a majority agreed in principle to adopt the borders as they had stood during the last recognised year of Spanish dominance – 1810. This would become generally known as - '*uti possidetis juris of 1810*.' However, none of the nations that signed at Lima ratified the agreement. Argentina did not sign.

2952 *The International Congresses and Conferences of the Last Century as Forces Working Toward the Solidarity of the World: Appendix* Simeon E. Baldwin in *The American Journal of International Law* vol.1, no.3 (Jul, 1907), pp.808-829

2953 Moore 1913

2954 Quote from the *dictum* of the Federal Council of Switzerland in the Colombia-Venezuela boundary dispute 1922. The '*common agreement*' being between those South American Republics that stood to gain; not any extra-continental nation.

*"... regarding state succession, the British Government have consistently denied the right whereby the insurgent South American republics accepted among themselves the territorial delimitation of the Spanish Viceroyalties. .., **His Majesty's Government recognized the succession of the new republics only in territories which had been effectively occupied**."* [2955]

"Uti possidetis juris was a rough and ready agreement between the new Latin American states to establish their respective territorial limits. As a principle, it could be applied only to a dispute between Latin American nations. ... Whether it is applicable in a dispute with a non-Spanish American nation is open to doubt." [2956]

"All the former Spanish colonies in South America signed an agreement designed to sort out territorial disputes in the absence of any formal transfer from the Spanish crown. 'The principle they adopted is known as "Uti possidetis, ita possideatis" or "As you possess, so you may possess". It meant that whichever nation occupied the relevant territories and islands at the "critical date" of 1810 should be deemed to have succeeded to them. The point is that in 1810 the Falkland Islands were administered from Montevideo in Uruguay. Moreover, it was the Governor of Montevideo who was authorised by the Spanish Viceroy in 1811 to withdraw what was left of the Spanish garrison in the Falklands. Of course, Britain never recognised the agreement: Argentina, on the other hand, was a signatory, and thereby signed away to Uruguay whatever rights to the Falklands that she might once have had." [2957]

"... the uti possidetis principle,.. is essentially an accord on boundaries between successor states of the same (Spanish) empire, not an assertion of sovereignty against outsiders." [2958]

"The doctrine of uti possidetis juris is of questionable applicability as a tenet of contemporary international law. ... uti possidetis juris fails to square properly with the legal establishment of non-Hispanic states in the New World, as well as the more recently evolved principles of decolonization and self-determination. Further, save for Latin American states, succession from original Spanish rights has neither commanded widespread respect nor attracted international acceptance, either in practice or in principle. Hence, ... uti possidetis juris contributes but a modicum, if indeed any, legal support to Argentina's position of valid title over either its South Atlantic or Antarctic claims." [2959]

"This congress produced a Treaty of Confederation between New Granada, Ecuador, Peru, Bolivia, and Chile. Article 7 sought to prevent hemispheric solidarity from being disrupted by border issues between the Latin American states, leading to a declaration that (in the absence of special arrangements by the interested parties themselves) borders should be those that the respective countries had possessed at the time of their independence from Spain." [2960]

"Not a single arbitration tribunal has ever proprio motu, (on one's own initiative) in the silence of the compromis, (formal agreement) taken a decision to apply the uti possidetis." [2961]

2955 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490.* My emphasis. *cf.* 1848

2956 Metford 1968

2957 *Uruguays Claim to the Falkland Islands* in *Falkland Islands Monthly Review* September, 1969. Argentina did not sign at Lima, not having any representatives there, only observers.

2958 Deas 1982

2959 Joyner 1984

2960 Hensel P. R., Allison M. E. & Khanani A. 2006 p.10

2961 *Territorial Integrity in a Globalizing World* Abdelhamid El Ouali 2012 in *International Law and States Quest for Survival* 2012 p.134, fn 98

"... adopted by Latin American countries in Article VII of the Treaty of Confederation signed at the Congress of Lima on 8 February 1848, in a complex form which gave a certain importance to the boundaries of earlier Spanish regions but also allowed the new republics to appoint commissioners to determine boundaries; it thus served only as a general guideline and was never a rigid principle, contrary to what is sometimes stated." [2962]

In **March**, at Buenos Aires, Robert Gore arrives to renew, once again, Britain's negotiations with Rosas. [2963]

In **May**, at Montevideo, General Manuel Oribe[2964], Rosas's ally in Uruguay, declares the any solution must be based upon the points negotiated in 1846 with Thomas Samuel Hood (the Hood bases).

June 15th, at Stanley, *Christiana* (Smyley) anchors with horses for sale.

June 27th, Port William, George Rennie arrives with his wife and three sons on *Nautilus*.

"In 1848, when a new governor was appointed, sixty houses had been erected at Port Stanley, besides the establishment of Mr. Lafone in the southern peninsula, and a small farm of sheep and cattle, belonging to Mr. Whitington, at the old settlement of Port Louis. The entire population numbered from 300 to 400 souls." [2965]

"The passage took four months; in Montevideo he was met by Samuel Fisher Lafone, who asked for his contract to be cancelled, which Rennie refused." [2966]

July 4th, at Stanley, George Rennie is sworn in as the new Governor.

July 15th, from Stanley, retiring-Governor Richard Moody sails away in HMS *Nautilus*. Accompanying him are four of the original sappers and miners that arrived in 1842.[2967] Three – James Biggs, John Herkes and Thomas Yates – remain with their respective families. [2968]

"Three of them (James Biggs, Thomas Yates and John Herkes) purchased their discharge from the army and remained in the islands (where Biggs and Yates still have descendants),..." [2969]

Governor Rennie, taking up the complaints of inferior meat supplies by Lafone's agent, informs Williams that he; *"... cannot permit the extensive privilege accorded to Mr Lafone ... to be exercised prejudicially to the Colony."*[2970]

July 21st, in Argentina, following exploratory inquiries by Martin Tupper Hood [2971], Buenos Airean Governor Rosas signals that he is prepared to end hostilities with Britain.

2962 Pascoe 2020 p.49
2963 Once again without result.
2964 Oribe led one of the factions vying for control in Uruguay.
2965 *British Packet & Argentine News* December 29, 1849
2966 Pascoe 2022 vol.2 p.586
2967 Private John Campbell, Sergeant Robert Hearndon, Private David Readdie and Private William Watts. Thomas Hearndon, a butcher by trade who accompanied his brother in 1841, probably returned to the UK at this time. Four of the Sappers had been sent back to the UK in 1845 (see above). Eleven disillusioned colonists also departed on *Nautilus*. Richard Moody went on to become Lieutenant-Governor of British Colombia in 1858.
2968 James Biggs had a wife and four children. John Herkes had a wife and two children. Thomas Yates had a wife and three children.
2969 Pascoe 2020 p.183
2970 Berhardson 1989 p.285
2971 The son of Britain's negotiator of 1846. Like his father before him, the younger Hood had been Britain's Consul in Montevideo, before being posted to the same role at Buenos Aires. However, Rosas declined to recognise him formally by refusing an *exequatur*, and so Hood returned to Montevideo. But not before obtaining this information. From who it was obtained is unclear, but most likely Rosas was the source, as only he could decide government policy.

"... I am informed by persons who never fail to possess trus[t]worthy intelligence, that the Argentine Government will not be satisfied until the obtain the following Points which they will not bring forward simultaneously but which will be taken in turn in the order more or less as I shall now state them. Restitution of the Argentine Squadron in the State it was when Captured. Indemnification for its detention. Indemnification for all the acts arising from the Intervention. The Restitution of the Falkland Islands which ***he*** *has never ceased to declare are usurped by Great Britain. And finally The Declaration that the Treaty of Commerce between Great Britain and* ***Buenos Ayres*** *no longer exists."* [2972]

"It was said that Rosas would only agree to a settlement on condition that he received twenty millions of dollars as an indemnification for damages done to him during the war, and the English to return to him the Falkland Islands." [2973]

"It is said that Rosas comes out boldly with his demands from the English government – viz., modifications in the treaty; restitution of the Falkland Islands and Martin Garcia; indemnification for the seizure of his squadron, and the guano taken off the coast of Patagonia; recognition of his right of the navigation of the rivers, &c. ... It was affirmed that Rosas had declared, in a most formal and decisive manner, that he would receive no British agent so long as the government of Great Britain did not give him all the satisfaction he demanded." [2974]

July 25th, in London, Sir William Molesworth, a colonial reformist and radical politician, delivers a long speech in the House of Commons on the subject of colonial expenditure. He details the monies spent on all the colonies and says of the Falkland Islands.

"*I will now conclude the catalogue of the military stations with the Falkland Islands. On that dreary, desolate, and windy spot, where neither corn nor trees can grow, long wisely abandoned by us, we have, since 1841, expended upwards of £35,000;... What I propose to the House is this.... acknowledge the claim of Buenos Ayres...*" [2975]

A Government spokesman – Hawkes – responds.

"The civil expenditure had not increased much – not more than 40,000[..; and when the House came to consider that new settlements had been made at St. Helena, the Falkland Islands, South Australia, and North Australia, the explanation of the increase was apparent." [2976]

"Sir W. Molesworth submitted a resolution ... He proposed to withdraw our military establishments from the Ionian Isles, to dispense with maintaining a fleet on the coast of Africa, to give free institutions to the Cape of Good Hope and the Mauritius, to keep a sharp look-out at Hong Kong and Labuan, and to recognise the claim of Buenos Ayres to the Falkland Islands. He calculated all this would save a cost of £1,000,000." [2977]

2972 *Hood to Palmerston July 21, 1848 FO 6/140 fols.177-181*. My emphasis. Despite initially referring to the Argentine Government, the demand regarding the Falklands refers to '**he**'. The **he** being Rosas, who was the Argentine government. The last demand clearly refers to the Anglo-United Provinces treaty of 1825. *cf.* 1846 above

2973 *Blackburn Standard* Wednesday August 9, 1848

2974 *Shipping & Mercantile Gazette* Thursday October 5, 1848

2975 Hansard's Parliamentary Debates July 25, 1848 cols.816-857. The speech was widely circulated at the time by the *Financial Reform Association*, and described as, *'a complete and searching exposure of colonial administration,*' Molesworth's proposal was not taken up – either in 1848, or indeed, when he eventually became Secretary of State for the Colonies in July 1855.

2976 Hansard July 25, 1848 col.874. The debate was adjourned without a vote.

2977 *Devizes & Wiltshire Gazette* Thursday July 17, 1848

"... Sir Wiliam Molesworth, a distinguished member of that House, treating of a motion for reducing expenditure, and arranging the administration of the British Colonies, referred to the Malvina Islands. He enumerated them among the colonies that he considered burdensome, and said - "Here occur the miserable Malvina Islands that produce no wheat, and where trees do not grow, islands lashed by the winds, that since 1841, have cost us no less than 45,000 pounds sterling, without return of any kind, or any profit whatever. I am decidedly of opinion that this useless possession should be immediately restored to the Government of Buenos Ayres, that justly reclaims it." (From the Morning Chronicle and Daily News of London)." [2978]

"Sir William Molesworth, ... making a detailed and extensive analysis of the state, class and performance of each of the colonies, spoke very significant words. ... The English Admiralty, of course, held a very different view than the aforementioned member of the House of Commons, especially at a time when two powers were competing to occupy not only productive regions, but islands that could serve as naval bases." [2979]

"... on the sidelines of discussion concerning the negotiations with the Argentine Government, Member of the House of Commons, William Molesworth had proposed to accept the Argentine claim..." [2980]

"As a Liberal, Molesworth was anti-colonialist and in favour of free trade – to him, the possession of a territory that offered no trade was anathema.... At that time Molesworth was unaware that Buenos Aires was about to drop its claim to the Falkland Islands, which rendered his suggestion otiose. And he failed to obtain a vote – it was past midnight, the debate failed to retain a quorum of forty MPs and was adjourned without a division." [2981]

In the Falkland Islands, a schooner, *John D. Davison*, arrives under the command of Capt. William Smyley. One young member of the crew is a Luis Piedrabuena. [2982]

July 27th, in England, Molesworth's speech is reported in the *Morning Chronicle* newspaper.

August 29th, at Stanley, Richard Almond Williams is replaced as a member of the Legislative Council by John Bull Whitington.

September 1st, Ambassador Moreno enthusiastically reports Molesworth's speech to Buenos Aires, enclosing copies of the reports in British newspapers. [2983]

"... after the first enthusiasm, attention waned again. The English Admiralty certainly felt very different than that member of the House of Commons, especially so in a time when two powers competed to occupy not only productive regions but islands that could serve as naval bases." [2984]

2978 *Archivo Americano Y Espiritu De La Prensa Del Mundo 1849* Buenos Aires.

2979 Caillet-Bois 1982 (6th ed.) p.366 citing *M. Moreno to Felipe Arana, London, September 1, 1848* in *Archive del Ministerio de Relaciones Exteriores, Buenos Aires, Division Politica, Islas Malvinas, 1842, Reclamacion Argentina (2 epoca), fs.105 and 105 vta; Archivo Americano y espíritu de la Prensa del mundo, Buenos Aires, n° 12, 2 de mayo de 1849, pp.100 y 101.*

2980 Kohen & Rodríguez 2017 p.152. Nonsense, there were no - "*... sidelines of discussion concerning the negotiations..*" Molesworth's comments had been made to the British House of Commons during a debate on the costs of colonization. Not in the least concerned with any negotiation.

2981 Pascoe 2020 p.179

2982 See 1868 and 1883. Revisionist Argentine histories credit Piedrabuena with maintaining Argentina's claim to Patagonia and Statenland (Isla de los Estados).

2983 Molesworth's words were misreported in Argentina, with the implication that the claim of Buenos Aires to the Falklands had the support of influential men in Britain's Parliament. Molesworth did not recognise the Buenos Airean claim as 'just' and was only concerned with expenditure. As for being 'influential', when Molesworth gave his speech, there were less than 40 MPs in the chamber and no vote was taken. Molesworth repeated his speech in 1849, without mentioning the Falkland Islands.

2984 Caillet-Boise 1982 p.366

September 5th, the *Morning Chronicle* reports:

> *"A lease of the Falkland Islands had been granted to that gentleman (Mr. Enderby), to carry on the whale fishery in that part of the world..."* [2985]

September 23rd, the Legislative Council enact an *Aliens Ordinance*. This requires employers bringing in non-British labour to the Falklands to accept the responsibility, and costs, of repatriation should that person lose their employment.

"... a bond of £10 (ten pounds) per person on anyone bringing "aliens" (non-British people) into the islands without the Governor's permission, and also imposed the same bond on every "Foreigner" landing or settling in the islands without the Governor's permission. The money was not to be paid on arrival but only if the regulations were infringed, and there seems to be not a single case in which it was actually paid." [2986]

October 5th, at Buenos Aires, Henry Southern arrives as Britain's Minister Plenipotentiary.[2987]

> *"The undersigned having been named Minister Plenipotentiary of HBM in the Argentine Confederation, takes the liberty of announcing to HE Don Felipe Arana, for the information of HE the Governor, Brigadier General Don Juan Manuel de Rosas, his arrival in front of Buenos Ayres in the frigate of HBM Alecto. At the same time the undersigned has the honor of requesting HE Don Felipe Arana, to order that instructions be given to the authorities of the port to allow his disembarkation, with the Gentlemen that accompany him, his servants and equipage."* [2988]

October 6th, Henry Southern and his entourage land in the city of Buenos Aires. *Gaceta Mercantil* reports:

> *"On the afternoon of the 6th, at a quarter past two, a boat of the steamer of HBM Alecto, landed in the Port, carrying the Honourable Mr. Southern, accompanied by his Secretary Mr. Anderson, and the Commander of Alecto. The Interim-Captain of the Port went to receive them in a coach provided for the occasion. ... We rejoice at the happy arrival of the Honourable Mr. Southern, Minister Plenipotentiary of HBM in the Argentine Confederation, and, with sincere interest for the re-establishment of his important heath, wish him all felicity."* [2989]

"The Honourable Mr. Southern disembarked: and announced to the Government, that, being the bearer of a letter from his August Sovereign HM Queen Victoria, to the Governor of the Province, Encharged with the Foreign Relations, accrediting him as Minister Plenipotentiary of HM, to reside in the Confederation, he solicited that a day and hour might be appointed him for delivering it. The Government expressed to him its sincere sorrow, in its not being able to proceed to his reception, in the character in which he came accredited by HM, without satisfaction and redress being previously given to these Republics, for the very grave offences that the Government of HM, in union with that of France, had inferred upon them..." [2990]

2985 *Morning Chronicle* Tuesday September 5, 1848. A lease supposedly granted by the Colonial Office.

2986 Pascoe 2020 pp.183-184. Kohen & Rodriguez (2016) assert that the British authorities retained a portion of workers' wages to pay for any repatriation. This was not the case, although their employers could be required to lodge £10 with the Governor for each worker to facilitate repatriation. A problem had arisen as a result of Lafone's managers laying off staff in winter and then abandoning them in the Islands. There was only one management that this ordinance was aimed at.

2987 Somewhere below Ambassador. Southern was an experienced diplomat who spoke fluent Spanish.

2988 *Archivo Americano Y Espiritu De La Prensa Del Mundo 1849* Buenos Aires. Arana gave the requested instructions.

2989 *Ibid.*

2990 *Ibid.* All very formal, but simply amounting to a refusal to recognise Southern in his official capacity until such time as Southern had negotiated a treaty with the Confederation Republics that satisfied Brigadier General Rosas' demands. Henry Southern pointed out that his accreditation had not included any power to negotiate, but Rosas was unmoved.

"Mr. Southern's case remains as before. Rosas refuses to receive him officially, and it is generally understood that he will continue to do so until he is authorised to accede to the demands of Rosas, which are said to be the restoration of the Falkland Islands to the Argentine republic, and remuneration for the guano brought by English ships from Patagonia, as well as the damage caused by the British fleet in the Parana." [2991]

October 11th, Argentina's Foreign Minister, Felipe Arana, in a letter to Henry Southern, makes it clear that any resolution of the existing dispute has to be on the basis of the agreement almost reached with Thomas Samuel Hood in 1846.

> *"The Government has the satisfaction of cherishing the hope, that that of HM, informed of these unfortunate incidents, which that of the Confederation could not avoid, without violation of the national honour … will decide upon removing the actual inconveniences for the re-establishment of the relations of friendship, between the Government of HM and those of these Republics, celebrating public Conventions of peace, upon the Hood bases, and the modifications wherewith they were accepted by them. The Government, animated by ardent hopes for so plausible a result, is persuaded that those of that of H. M. are identical. …, it tranquilly awaits a satisfactory solution of the unfortunate differences, that still keep altered the good harmony between the two Governments.*
>
> ***That of the Confederation invariably sustains the unquestionable rights of the Republic to the territory of the Malvina Islands**. Accordingly it will continue its serious attention to the attacks against the sovereignty of the Confederation, that merchant vessels, with the flags of friendly nations, especially with that of Great Britain, persist in committing upon the Guano Islands on the Patagonic coasts, and others of that littoral; as also to that of having established an English settlement in the Straits of Magellan."* [2992]

"The (1846) Hood Bases did not mention the Falkland Islands, but they did mention something which was to Rosas infinitely more important: the recognition of his belligerent rights – he now had an altogether more ambitious aim than simply sorting out individual complaints." [2993]

October 14th, from Buenos Aires, Henry Southern reports to Lord Palmerston. [2994]

> *"(Rosas) is well aware of his own strength, has an immense idea of his own importance… (and) … is resolved to be acknowledged for what HE is – the only real power in this quarter of the globe… He returned to His original argument: that it would be dishonorable for Him and to the Confederation, if after all that has passed, He did not terminate on a convention of peace…"* [2995]

"Britain would have preferred a less formal agreement that merely settled specific complaints, and would have liked to re-establish full diplomatic relations beforehand. Britain was unhappy with Rosas's insistence that Britain should accept from the outset that there was first to be a peace treaty,.." [2996]

October 18th, in England, the *Worcestershire Chronicle* reports: [2997]

2991 *Morning Post* Tuesday February 27, 1849

2992 *Archivo Americano Y Espiritu De La Prensa Del Mundo 1849* Buenos Aires. My emphasis. The mention of an English settlement in the Strait of Magellan probably referred to the missionary post at what is now Ushuaia.

2993 Pascoe 2022 vol.2 p.593

2994 *FO 6/139 f.64*

2995 *Southern to Palmerston October 14, 1848* in *FO 6/139.* HE being His Excellency. Probably.

2996 Pascoe 2020 p.181

2997 See September 5, 1848, above. I can find nothing to substantiate these reports.

"Government has made a grant to Mr. Charles Enderby, of Liverpool, of the Falkland Islands, for the formation of a colony for the re-establishment of the British Southern Whale Fishery. A Royal Charter of Incorporation is to be granted to a proposed company."

November 3rd, from Mystic, Connecticut, *Hudson* (Hiram Clift), sails to hunt whales at the Falklands.[2998]

November 22nd, in Buenos Aires, *Gaceta Mercantil* reports Molesworth's remarks of July 25th.

This sensible motion, from so distinguished and influential a member of the House of Commons, as the Honourable Sir William Molesworth, is very important and significant. In it the justice wherewith the Argentine Government reclaims, from that of H. B. M., the devolution of the Malvina Islands, as an integral part of the Argentine territory, is recognised, and a provident policy and of great future importance to the true interests of England in South-America, is recommended. It is to be hoped that the British Government may participate in the elevated views, so worthily submitted, by Sir. William Molesworth, to the consideration of Parliament.

(*Gaceta Mercantil.*)

December 2nd, at the Falklands, HMS *Dido* (Maxwell) arrives having left Auckland on November 1st, and rounded the Cape on the 21st; *"Her run, it will be seen, was one of extraordinary speed."* [2999]

December 11th, in England, the *London Evening Standard* reports: [3000]

"We stated some time since that, for the better protection of these islands, the Admiralty had ordered a man of war to visit the island occasionally. A body of military pensioners are about to be sent there to form the police of the island; but, in the meanwhile, it has been deemed advisable to order a man-of-war, with some marines from Commodore Sir Thomas Herbert's squadron at Monte Video, to take care of the island until their arrival. In such remote places as the Falklands, the absence of a British pendant is too often the excuse for the indulgence of lawless conduct on the part of the discontented and ill-disposed, as it affords also an opportunity for reckless and insolent merchantmen of all nations to break through the rules and regulations of the island with impunity. No islands of the extent of the Falkland Islands, in any part of the British dominions, should be without a man of war pendant occasionally flying in one or other of their ports."

December 27th, in Buenos Aires, Governor Rosas sends his annual message to the Legislatura.

"... (the British) Government persists in the detention of the Malvinas Islands and of another portion of territory belonging to the Argentine Confederation, in all these in grave breaches by the Government of his Majesty, of the rules of international justice and the provisions of the treaty of February 2, 1825 between the Confederation and Great Britain..." [3001]

"The speech or message of General Rosas on the opening of the National Congress has attracted much attention, because of the bold and independent tone assumed by the chief magistrate of the republic in treating of the conduct of those European Governments which have by their mischievous and inconclusive interference, retarded for so many years a settlement of affairs... Many persons here consider the highly triumphant tone adopted by Governor Rosas as fully justified... The claim for the Falkland Islands is again referred to, and little disposition is shown to relinquish it without some negotiation or pecuniary compensation on the part of this country. Whether the claim is question will ever be recognised and allowed is, nevertheless, uncertain. ..." [3002]

2998 See 1854

2999 *South Australian Register*, Adelaide August 29, 1849. Sailed from Stanley December 5, 1848. Arrived Portsmouth January 23, 1849 after a voyage of 81 days from New Zealand. At that time, the quickest passage on record.

3000 Citing the *United Services Gazette*

3001 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 p.193

3002 *Morning Post Monday April 2, 1849*

"To raise the interdict, we will have to prove the fact of the dispossession and prove the will to preserve our right, through our protests of a century, and in collaboration with, as an appendix, a chronological synthesis of these protests. I exclude from it the simple manifestations consigned in messages, such as those made by Rosas annually before the Legislature, because ***those are not protests****, properly speaking, within the norms of international law,.."* [3003]

December 28th, from Stanley, Governor Rennie writes to Earl Grey complaining that Lafone's monopoly has; *"... unhinged the system commenced by Capt. Moody, without as yet proving a satisfactory and efficient substitute."* [3004]

1849 – January 27th, from Stanley, Governor Rennie reports a population of 101 European males, 44 females, 56 '*alien*' males and 25 females. Also five '*coloured*' males and four females.

> *"Any comment on so serious a disproportion is unnecessary; nor is there any probability of the evil being remedied by the desultory arrival of single men from the River Plate, or of sailors shipwrecked or leaving their ships ... this inequality prevents those of the population who are unmarried from identifying themselves with the Colony, and they no sooner realize a moderate sum of money that they go elsewhere."* [3005]

In Buenos Aires, informal talks between Rosas and Southern continue slowly. Southern is, however, successful at persuading Rosas to drop a demand that Uruguay be pulled into the Argentine Confederation against its will.

"In terms of negotiating skill, Rosas met his match in the patient, unflappable Henry Southern." [3006]

February 18th, following a stop-over at Stanley by HMS *Inconstant*, en-route from the River Plate to Valparaiso, its commander, Captain Shepherd, submits a report to the Admiralty.

> *"Three persons holding Government Contracts employ all the labourers who chose to work. Mr. Phillips, with some labouring people, is employed by the Government, to search for minerals. Labourers under Mr. Goss and Mr. Murray are employed Road making, draining, and sinking a well. The mechanics, about 12 in all when they choose to work, several wasting three fourths of their time in a state of intoxication, are kept by Government in constant employment at 6/- and 6/6 per diem."* [3007]

February 24th, in England, a P. Simmonds writes to Lord Palmerston.

> *"A large party of emigrants with their families, of whom I am the principal, propose forming a British settlement at New Bay on the North eastern coast of Patagonia, at our own risk. We understand that Gen. Rosas claims this country on behalf of the Argentine Republic, as he did the Falkland Islands, we therefore beg to enquire whether this claim is recognised by the English Government, as the Rio Negro, is usually considered the boundary of that country. Although we intend going in a body sufficiently armed & provisioned to defend ourselves, we would require before completing our arrangements, whether we may expect the protection of the British Government as Englishmen, should we be molested & attacked from Buenos Ayres..."* [3008]

3003 *Rosas y las Malvinas* Absalón Rojas 1950 p.29. My emphasis.
3004 Quoted in Wilson 2016
3005 *Rennie to Grey January 27, 1849* in Bernhardson 1989 p.
3006 Pascoe 2022 vol.2 p.594
3007 *FO 78/22*
3008 *FO 6/147/74.* Poor timing in light of the state of negotiations between the British Government and General Rosas.

March 3rd, in Buenos Aires, Brigadier-General Rosas, via Minister Arana, submits the terms under which the Confederation is prepared to resume diplomatic relations with Britain. Neither compensation, nor the Falkland Islands, are mentioned.

March 6th, Henry Southern sends the document to London; *"... transmitting to the Government of H.B.M. the confidential draft of Convention, which this Republic presented to him."* [3009]

March 8th, from the Foreign Office in London, Palmerston's office respond to Simmonds.

> *"Her Majesty's Govt., cannot interfere in any way in the matter to which (your) letter refers."* [3010]

March 10th, Simmonds presses Palmerston.

> *"(Does) the British Government recognise the claim of the Argentine Republic to Patagonia from the Rio Negro to Cape Horn..."* [3011]

March 16th, the Foreign Office responds; *"... the Eastern Coast of Patagonia is claimed by the Argentine..."* [3012]

March 17th, Simmonds, undeterred, writes once again for a clearer response.

> *"I was quite aware as my letters will show that the Argentine Republic claimed Patagonia but the information I sought was whether the British Government admitted this claim as legal and valid. If your Lordship is not disposed to answer my enquiry... I should prefer being told so at once; as I would then elicit some information in Parliament through a member..."* [3013]

March 23rd, in the USA, Isaac Waldron and William Smyley petition US Senator William Seward. Requesting diplomatic assistance in the pursuit of a claim against Luis Vernet, for compensation amounting to $5000 regarding events at Port Louis in 1830 and 1831. [3014]

"William Smyley was now running a very profitable business bringing goods and settlers to the Falklands. It may have been his financial success, enabling him to contemplate paying legal fees, that impelled him to present a claim for compensation for losses suffered at the hands of Louis Vernet 18 years earlier... in the end nothing seems to have come of it." [3015]

March 28th, in England, the Foreign Office respond to Simmond's persistent demands. [3016]

3009 *Felipe Arana to H.E. The Minister of Foreign Relations of the Oriental State of the Uruguay, Dr. Don Carlos G. Villademoros April 7, 1849.*

3010 *FO 6/147/87*

3011 *FO 6/147/93*

3012 *FO 6/147/97*

3013 *FO 6/147/99.*

3014 Waldron claimed that Luis Vernet had stolen seal skins from him in 1831 while Smyley complained that he had been '*arrested*' by Vernet for *"illegal sealing"* in 1830. *cf.* 1831, December 1849 & June, 1856

3015 Pascoe 2022 vol.1 p.595. See December, 1849 below

3016 Interestingly, the draft response of March 16th had been amended by Palmerston; striking out the words "*but that H.M's Govt., are not aware whether the Govt., of Buenos Ayres have fulfilled all or any of those Conditions which the Law of Nations prescribes as necessary in order to establish a tenable Right to the soil."* A footnote initialled by Palmerston adds; *"What are those Conditions? Would it not be better to stop at "claimed by the Argentine Govt.?"* Simmond's persistence caused the Foreign Office to consider questions about the extent of the Spanish Viceroyalty and whether Britain had ever; *"... admitted or denied the Right of Buenos Ayres to the whole or to any part of the Eastern Coast of Patagonia?"* It was concluded that, as far as the UK was concerned, the question had not previously arisen. With a peace treaty being negotiated, Simmond's timing could hardly have been worse.

"... the Question put by you in that letter is one that has not been mooted between the Governments of Buenos Ayres and of Great Britain and it is one therefore which Lord Palmerston does not feel himself called upon to give any answer." [3017]

April 23rd, in London, addressing the House of Lords, the Earl of Harrowby demands to know the present state of negotiations with Buenos Aires.

"... It will not be enough for the noble Marquess opposite to tell us that this information cannot be given, ... Are we to agree to give a compensation of about three millions sterling for the very grave offences and the very serious damages which our Government, in concert with that of France, has inflicted on Buenos Ayres during the Anglo-French intervention? ***Are we prepared to give up the Falkland Isles****? Or to make the whole settlement of affairs in that country dependent upon the good will of General Oribe? For these, it appears, are the only terms upon which President Rosas will deign to receive an accredited Minister from Her Majesty? In what position are our interests now?"* [3018]

The Marquess of Lansdowne responds on behalf of the Government.

"*... negotiations are now pending, and proceeding upon terms contained not only in the instructions recently issued, but in the instructions issued by the noble Earl formerly at the head of the Foreign Department to Mr. Hood; ... and upon which it has recently assumed a very promising aspect, so far as it relates to the probability of the modifications founded upon the basis of Mr. Hood being agreed to. ... What those modifications are, the noble Earl cannot expect, nor can any one of your Lordships expect, that I should now state.*

I can only say that those modifications do not go at all to the extent that the noble Earl has assumed Rosas is likely to ask....

The noble Earl has referred to a speech lately made by General Rosas. I believe the noble Earl has overrated the importance of that address.[3019] *It is not from speeches made by General Rosas to his council or to his parliament, whatever the importance of that council or parliament may he, but it is from the direct communication of General Rosas himself, that his intentions are to be judged; and certainly from those communications I have recently received, I cannot but believe there is a desire – I had almost said, an intention – on the part of Rosas to come to a satisfactory arrangement with this country—an arrangement which, most undoubtedly, must include a due regard to the interests of persons on the other side of the river."* [3020]

April 27th, Britain's War Office sets out the conditions under which half a company of Pensioners are to be sent out to the Falklands; *"The description of candidates to whom a preference is to be given for this service is pointed out in the printed conditions. The following will also be required to proceed with the detachment:- viz., 1 baker, 1 butcher, 4 carpenters, 1 joiner, 2 masons, 1 shoemaker, 1 blacksmith, 1 tailor. ... You must forward your recommendation ... on or before the 8th of May next,.."* [3021] Service is for seven years and the maximum age of a candidate is not to exceed 45; preference being given to married men under that age and with less than four children.

3017 *FO 6/147/9108.* That appears to have been the end of the matter.

3018 My emphasis. This speech was reproduced in full in the *British Packet & Argentine News* on Saturday, July 21, 1849.

3019 See December 27, 1848 above.

3020 *HL Deb 23 April 1849 vol.104 cc602-17*. A clear indication that Rosas's messages to the Buenos Aires legislature were not official protests and carried no particular weight.

3021 Letter from L. Sullivan of the War Office dated April 27, 1849, published in the *Globe Friday June 8, 1849.*

"... in sending out this handful of men, the object is not to form a fortified post, but merely to obtain the presence of a few steady and loyal subjects trained to arms, who could suppress any sudden tumult or repel any insult from any wandering vessel." [3022]

"They will receive pay at the rate of 1s 3d per day for a private, 1s 6d for a corporal, and 1s 10d for a sergeant, in addition to pension, from the period they are called on to leave their home till embarkation; ... They will receive a free passage to the Falkland Islands, for themselves, their wives, and their families, with rations for the whole ... They will receive one quarter's pension, in advance, on embarkation, to be applied, under the direction of their officer, in purchasing the necessary outfit for the voyage. They will be provided at the Falkland Islands with a cottage of two rooms, for each family, so soon as the same can be erected after their arrival; the materials are to be taken out in frame-work, from this country, and put up by the pensioners on the ground allotted to them. Each pensioner will also receive a free grant of ten acres of land for cultivation... each family will also be provided with one cow and one sow..." [3023]

"The memorandum stipulated that the pensioners would live in "two-room houses valued at £50 each" to be sent on the same ship and in "large barracks valued at £300 capable of housing them and their families immediately after their arrival until the huts are erected"." [3024]

May 4th, from Stanley, Rennie complains to London about Lafone's failure to supply beef to the colony.

"It is painful to think that an undertaking which seemed to promise so many important results to these Islands should dwindle into petty attempts on the part of Mr Lafone to evade his engagements… With the exception of introducing 50 or 60 Spanish Indians with about as many horses for lassoing – the erection of a very few turf and wooden huts and the capture of perhaps 3 or 4,000 cattle, 2,000 of which are tamed – I am not aware of anything he has done… in the meantime, Mr Lafone retains possession of all the rights and privileges he would be entitled to if he complied with his contracts." [3025]

May 12th, Captain Maxwell (HMS *Dido*) writes to the Admiralty extolling the virtues of a stop at the Falkland Islands when using the Cape Horn route from New Zealand to England – claiming this shortens the journey by 20 days. [3026]

May 15th, in London, Lord Palmerston receives the draft-treaty forwarded by Henry Southern on March 6th.

"The Penguin packet, which arrived at Falmouth on Sunday, from Rio de Janeiro, is bearer of a treaty from Rosas, the Dictator of Buenos Ayres, for the approbation of the British and French governments; it is suspected, not with the expectation of its being accepted, but merely to gain time until his further aggressive plans are matured." [3027]

"The basis on which this treaty is made is the same as that proposed by Mr. Hood, without the modifications hitherto insisted on by Buenos Ayres." [3028]

3022 *Memorandum of Conditions on Which it is Proposed to Enrol Penshioners (sic) for Service in the Falkland Islands.* Thirty pensioners were duly recruited, for a minimum of 7 years, together with their families – a total of 120 people. '*Pensioners*' is a relative terms as, despite the age condition, the oldest was 53, and the youngest, 26.
3023 *Ibid.*
3024 *A 175 años de la llegada de los colonos británicos a las Falkland* Gavin Short in *Infogate* October 11, 2024
3025 *Rennie to Grey, May 4, 1849* in Bernhardson 1989 p.290
3026 *General Report of the Colonial Land and Emigration Commissioners* 1850 Appendix 54
3027 *Manchester Courier and Lancashire General Advertiser* Wednesday May 16, 1849
3028 *Banner of Ulster* Tuesday May 22, 1849

"From 15 May at the latest, when he received the draft "project of Treaty", Palmerston knew that Argentina had not inserted a mention of the Falklands and was thus consenting to Britain's possession of the islands. He confirmed that assessment in a statement in the House of Commons on 27 July." [3029]

May 17th, estimates by the Colonial Land and Emigration Commission suggest that just 14 more settlers have departed for the Falklands during 1848. [3030] *The Globe* of London reports:

> *"Letters from Buenos Ayres of the 7th ult. state that treaties of peace were rumoured to have been agreed to, and that propositions to that effect had been forwarded to our government by Mr. SOUTHERN, her Majesty's Minister in that country."* [3031]

From the Falklands, Governor Rennie writes to Rio de Janeiro.

> *"One (promissory) note of ten dollars was sent to the British Consul at Rio de Janeiro in 1849 with a view of reminding Mr. Vernet (at that time residing in Rio) of his obligations,.."* [3032]

May 21st, Edward Gennys Fanshawe sketches the *Settlement at Port Stanley* (below). [3033]

June 1st, in London, the *9th* General Report of the Colonial Land and Emigration Commissioners is published.

> *"In the course of the year we have received a remittance, amounting to £675 11s 6d from the colony for the value of land sold there up to the present time. A deposit of £100 has been made here for the purchase of land. These sums, in addition to a balance on Mr. Lafone's first instalment, will be available for the introduction of labour. Measures are in progress for settling in the islands a small*

3029 Pascoe 2022 vol.2 p.594. See below.
3030 *The Perth Gazette and Independent Journal of Politics and News*
3031 Repeated in *The Scotsman*, two days later.
3032 *CO 78/43*. Noted in Governor Moore's report of December, 1858 and received by the Colonial Office on March 5, 1859. Sadly no day or month is provided.
3033 Edward Gennys Fanshaw RN, had arrived in HMS *Daphne*. He would return to the Islands in 1852.

body of military pensioners, with their families, who will be judiciously selected from districts in Scotland, where their present habits and mode of life are likely to make them a valuable acquisition in this colony. …"

On the same day, during a Parliamentary debate on the costs of colonies, Mr. Cobden refers to the Falklands. "*… There was a governor, 800l; magistrate, 400l.; chaplain, 400l.; surgeon, 300l.; first clerk, 200l.; second clerk, 150l.; schoolmaster, 20l.; surveyor's department, 1,230l.; public works, 1,050l.; Gauchos, 300l.; purchase of stores, freight of vessels, and incidental expenses, 1,100l.; rations, 750l.—in all, 5,700l. Really, if this country had more money than it knew what to do with—if it were the most flourishing nation in the world, it would be impossible to throw away its money in a more wanton manner than they were doing."* [3034]

A Government spokesman responds; *"The Falkland Islands…. were not held simply for colonial or commercial purposes, but political considerations had been involved. It was thought a convenient station;.."* [3035]

In Buenos Aires, the *Gaceta Mercantil* journal rails against the introduction of more settlers to the Falklands; referring to the "*execrable*" Samuel Lafone.

June 6th, the *Derby Mercury* reports:

"It has been determined to extend military colonisation to Falkland Islands, Vancouver's Island and other settlements."

June 9th, the *Illustrated London News* reports:

"Advices from Buenos Ayres state that Mr. Southern had despatched letters to the British Government with the result of his negotiations with the Republic, which it was understood were of a satisfactory tenor."

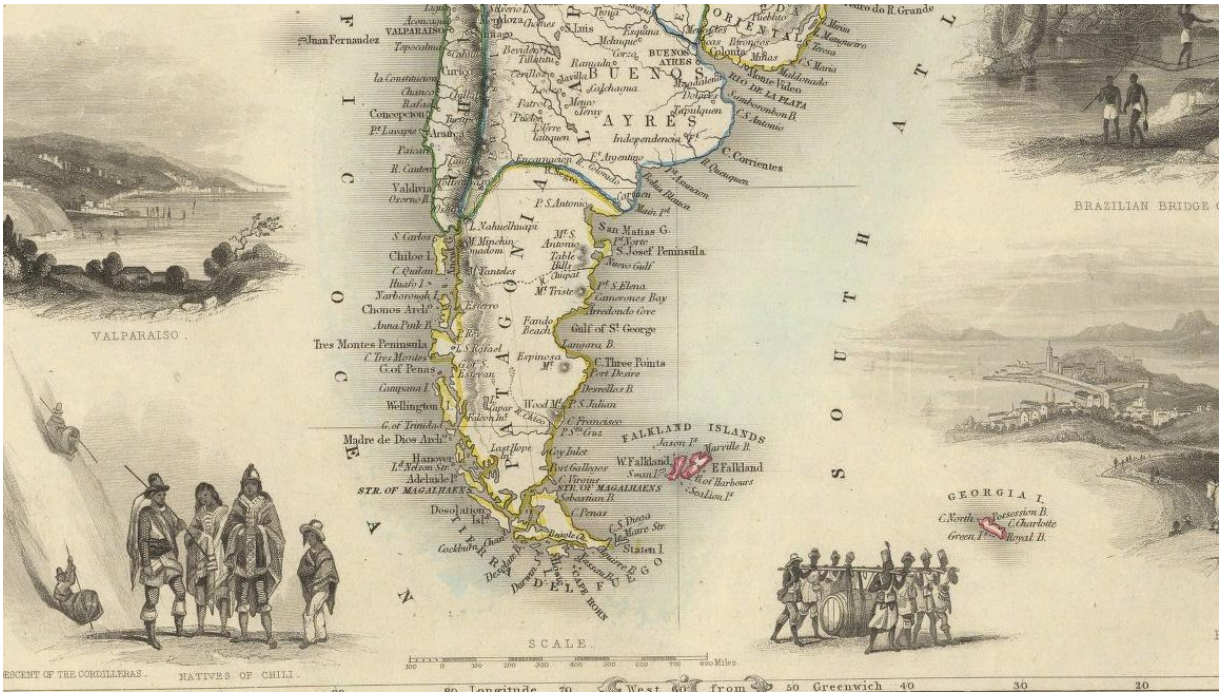
June 13th, from Buenos Aires, in a private letter, Southern sends assurances to Lord Palmerston with regard to the Falklands claims.

"An angry paragraph has appeared in the Gazette on the subject of an expedition of colonists to the Falkland Islands led by an officer of the British Navy. The possession of these Islands by England is always maintained in public documents as an unjust aggression and in terms of indignation, whereas I believe General Rosas really attributes no importance to the question.

It is a farce like so many others, which he thinks it wise to keep up. In none of the very many conversations we have had on all subjects has he ever alluded to the Falkland Islands." [3036]

".., throughout the negotiations, Rosas never once mentioned the Falklands,... That was most significant – Rosas was negotiating a final peace treaty with Britain, which would "reset the clock" in relations between the two countries, and if the Falklands were not mentioned at all, the treaty would enshrine Argentina's acceptance of the islands as British." [3037]

3034 *HC Deb 01 June 1849 vol.105 cc1039-78*
3035 *Evening Mail* Monday June 4, 1849
3036 *Southern to Palmerston, June 13, 1849* in *FO 6/502/266. A*rrived in London on September 5, 1849. The 'expedition' appears to be a reference to the Chelsea Pensioners.
3037 Pascoe 2022 vol.2 p.594



1849 South America by John Tallis (New York) (detail)

June 26th, in London, Sir William Molesworth again addresses the House of Commons on the subject of colonial expenditure, but, although his speech is very much a repeat of that given in 1848, he makes no mention of the Falklands.

"He concluded by proposing a motion calling for a commission of inquiry "into the whole colonial policy of the British Empire", ... Molesworth's motion was put to a vote, but it was defeated by 163 votes to 89." [3038]

July 27th, in the House of Commons, a question is submitted by Mr. H. J. Baillie, enquiring; *"... whether it was true that the government of Buenos Ayres had laid claim to the Falkland Islands, and, if so, what had been done upon the matter."* Lord Palmerston responds.

> *"Viscount Palmerston said that there was a claim made some time ago, which had been resisted by the British Government. Great Britain had always denied the claim of Spain to the Falkland Islands, and the government was certainly not inclined to yield to Buenos Ayres what it had refused to Spain. The result was, some ten or twelve years ago the Falkland Islands were taken possession of and occupied by the British, and ever since that period there had been a settlement there. He thought, under these circumstances, the hon. Gentleman would see that there would be no great use in reviving the correspondence which had ceased with the* ***acquiescence*** *of both parties, the fact being that for the last 10 or 12 years we had occupied the Falkland Islands as a possession of the British crown."* [3039]
>
> *"... he thought it would be most unadvisable (sic) to revive a correspondence which had ceased by the* ***acquiescence*** *of one party and the maintenance of the other."* [3040]

3038 *Ibid.* p.596

3039 *London Daily News* Saturday July 28, 1849 p.2. This version also appeared in the *Shipping & Mercantile Gazette* Saturday July 28, 1849 p.4. My emphasis.

3040 *The Times* July 27, 1849. My emphasis. There is no entry in Hansard. The word '*maintenance*' presumably refers to the occupation of the Islands by Britain; but the suggestion of *acquiescence* was controversial.

"... at that time only full debates were taken down verbatim by shorthand writers employed by the firm of Gurney's, who supplied the shorthand writers for Hansard, so Palmerston's exact words were not recorded in Hansard. It was left to Parliamentary reporters to take notes for publication, so their reports of events differed." [3041]

The exchange, with varying degrees of accuracy, is widely reported in Britain's newspapers and journals.

> *"Lord Palmerston replied to a question put to him by Mr. H. Baillie, with reference to the claim of Buenos Ayres to the Falkland Islands, that those islands had been in the undisputed possession of this country for the last 12 or 15 years."* [3042]

> *"Lord Palmerston said it was true that our claim to the Falkland Islands had been disputed by the Spanish Government. Great Britain had now, however, undisputed possession; and he did not see any good to be derived from the revival of a correspondence which had ceased for the last twelve or fifteen years. ..."* [3043]

> *"Lord Palmerston said, that a claim had been made many years ago, on the part of Buenos Ayres, to the Falkland Islands, and had been resisted by the British Government. Great Britain had always disputed and denied the claim of Spain to the Falkland Islands, and she was not therefore willing to yield to Buenos Ayres what had been refused to Spain. 10 or 12 years ago (sic) the Falkland Islands, having been unoccupied for some time, were taken possession of by Great Britain, and a settlement had ever since been maintained there; and he thought it would be most unadvisable (sic) to revive a correspondence which had ceased by the acquiescence of one party and the maintenance of the other."*[3044]

"In the case of Argentina, acquiescence could only mean the acceptance of an originally undesired state of affairs (Britain's possession of the Falkland Islands), while in the case of Britain it meant merely an acceptance of the status quo." [3045]

July 30th, at Stanley, Governor Rennie ceases the practice of a monthly distribution of rations. [3046]

July 31st, in London, noting the press reports of Palmerston's reply to Baillie, Argentina's Minister Manuel Moreno writes to protest on behalf of his Government.

> *"... in order that the silence of this Embassy may not be at any time taken for a confirmation of the erroneous assertion attributed to Y.E. in case it has really occurred, I take the liberty of reminding Y.E. that the Government of Buenos Aires and Confederation of Argentina has never consented to the deprivation of its sovereignty over the Falkland Islands effected by the English Government in the year 1833; and that, far from withdrawing its protest of the 17th June of that year, repeated in that of the 29th December, 1834, it has maintained its indisputable rights to that possession by all the means in its power, and has constantly declared its just complaints that it has not received satisfaction. In its Messages to the legislative body, it has ever since, and year after year, entered a formal record of the question, and supported its claims..." ..."*

3041 Pascoe 2022 vol. p.597
3042 *Bell's Weekly Messenger* Saturday July 28, 1849 p.5
3043 *Morning Post* Saturday July 28, 1849 p.2
3044 *Evening Mail* Monday July 30, 1849 p.1
3045 Pascoe 2022 vol.2 p.598
3046 These had been a regular necessity since 1841. By 1849, however, the settlers were far better equipped and capable of producing their own food.

Moreno encloses the statements of his Government made to the annual opening of the Legislature of Buenos Aires for the years 1843, 1844, 1845 and 1848. [3047]

> *"... if for some time past the correspondence has not been so active, this is owing to the circumstance that the discussion is nearly exhausted, and to the state of relations since the intervention. But H.E. Viscount Palmerston, in his great wisdom, cannot confound the intermission of a correspondence with a consent tacit or expressed or with an acquiescence, which has never in any manner been shewn by the Argentine Government in the acts of H.B.M.'s Government in this affair."* [3048]

"Moreno complained that Palmerston's statement misrepresented the case, and stated that the Buenos Aires Government, far from acquiescing in British possession of the Falklands, had repeated its protests regularly since 1833, and had thus "maintained its indisputable rights" to that possession. ..." [3049]

August 2nd, from London, Moreno reports to Arana that he has "*defended*" Argentina's title to the Islands.

"The Argentine Minister gave account of an extraordinary reply, of that of the Foreign Affairs of H.M., in the House of Commons, upon the question of the Falkland Islands,.." [3050]

"But there was no reaction at all from Buenos Aires, since Argentina was in the process of dropping the Falklands dispute." [3051]

August 3rd, in England, the *Evening* Mail reports:

> *"A late report from the Governor of the Falkland Islands, the possession of which formed one of the points of our dispute now in course of arrangement with Buenos Ayres, furnishes some interesting details of the capabilities and resources of these almost unknown settlements. Regarding their value to a naval and commercial nation, the Governor points out that their successive occupation by England, France, Spain, and Buenos Ayres at different periods since the year 1764 would seem to imply an early recognition of their geographical importance,.."*

August 8th, Palmerston responds to the Argentine Minister. [3052]

> *"I have the honour to acknowledge the receipt of your note of the 31st of July, stating that the Reply which I was reported by some of the London Newspapers to have made to a question put to me by Mr. Baillie in the House of Commons on the 27th of July, did not correctly describe the State of the question between the British Government and the Government of Buenos Aires respecting the Falkland Islands; and I have the honour to acquaint you that whatever the Newspapers may have represented me as having said on the occasion above referred to, I have always understood the matter in question to stand exactly in the way described by you in your letter."*

3047 Statements, not formal protests which need to be made Government to Government.
3048 *FO 6/502/279*. Translation at 282
3049 Pascoe 2022 vol.2 pp.598-599
3050 *Message of the Government of Buenos Ayres to the Twenty-Seventh Legislature 1849* in *FO 6/149*
3051 Pascoe 2020 p.186
3052 *FO 6/502 fol.376.* There has been debate as to Palmerston's meaning, and it is occasionally asserted that the Foreign Secretary was acknowledging that the question of Falklands sovereignty remained unsettled; still "*pending*." In fact there is little doubt that Palmerston was being coy, knowing that anything said would be repeated by Argentina's press. A peace treaty had yet to be signed, and the situation remained fluid until it was. Palmerston did not need the subject of Falklands' sovereignty to become an issue in Argentina's newspapers.

"Palmerston could not yet refer openly to the treaty since it was still a secret, but he was a shrewd politician, so he simply turned Moreno's own statement against him. Moreno had said many things that were true – he had stated that Argentina had made repeated protests since 1833,.. he had stated that the Buenos Aires government had protested every year in Messages to the legislature, and he had quoted Palmerston's Commons statement, including Palmerston's phrase that the correspondence had ceased by "the acquiescence of one party and the maintenance of the other"... All those things were true – Argentina had protested in that way, and Palmerston had made those remarks in the Commons. ... In confirming Moreno's account he confirmed his Parliamentary statement." [3053]

Minister Moreno forwards the response to Buenos Aires.

> *"The Argentine Minister has recently transmitted the reply that he received from that of the Foreign Affairs of H.M. –*
>
> *In it the Honourable Viscount Palmerston acknowledged receipt of the note of the Argentine Minister, in which the latter had expressed to him, that the answer that had been reported in some of the London papers, as having been given by his Lordship, to a question that had been asked by Mr. Baillie in the House of Commons on the 27th July, did not correctly describe the state of the question, between the British Government and that of Buenos Ayres, with respect to the Falkland Islands; and declared that he had the honour of informing the Argentine Minister that, whatever the public papers might have represented him as having said on the occasion referred to, he had always understood the matter in question was exactly on the state the Argentine Minister had described in his communication. –*
>
> *The Government has replied to him, that it had felt much pleasure on being informed of the satisfactory result his reclamation had had, as regarded the true state of the question, as well as of the sincerity wherewith the Honourable Lord Palmerston, Minister of Foreign Affairs of H.M., had admitted that the affair was in the state described by the Plenipotentiary of the Confederation..."* [3054]

"The issue remained unsettled and was recognised as such by the British Foreign Secretary in 1849." [3055]

"In fact neither Palmerston nor Moreno said or implied that the question was "pending" – there is no such expression in the statements by either of them. ... (Palmerston) knew from the draft treaty sent by Henry Southern that Argentina was indeed acquiescing in Britain's possession of the islands and was hence dropping the Falklands dispute. .. in saying "I have always understood the matter in question to stand exactly in the way described by you in your letter", Palmerston said Moreno was right in saying that he, Palmerston, had referred to acquiescence over the Falkland Islands. In other words, in confirming Moreno's account he confirmed his Parliamentary statement. He did not say that he accepted Moreno's view that Argentina was not showing acquiescence." [3056]

August 10th, from Montevideo, Samuel Lafone writes to his London financiers to propose a new venture to capitalise on his Falklands contract. Samuel's brother, Alexander Ross Lafone, attempts to sell the idea to the company's creditors.

3053 Pascoe 2022 vol.2 p.600

3054 *Message of the Government of Buenos Ayres to the Twenty-Seventh Legislature 1849* in *FO 6/149*

3055 *Islas Malvinas, Georgias del Sur y Sandwich de Sur.* Unattributed, but distributed at a conference held at the London School of Economics December 3, 2007.

3056 Pascoe 2020 p.187

"Despite the Lafones repeated complaints that the cattle of East Falkland did not exceed 30,000, Alexander Lafone assured potential investors that "I have every reason to believing that they may be estimated at 80,000 head or upwards."..." [3057]

"The Lafone venture was not a success. By 1849 (before the Government contract was signed) the brothers were negotiating with London creditors to launch a joint stock company named "The Royal Falkland Land, Cattle, Seal and Fishery Company". Alexander had primary contact with creditors but he was economical with the truth. A letter to William Boutcher, one of the financiers, stated "the riches all being in the cattle, all the produce of which can be exported to advantage [and] there is not a shadow of doubt of our being able to subdue the whole [...] rapidly [and] the first and principal difficulties are overcome, I consider that we have already 3,000 head tamed". Other misleading statements included the "increase of livestock will be great". Regarding £10,000 he proposed to use to buy rights to cattle, he had "every reason for believing that they may be estimated at 80,000 head or upwards [...] of a large size, they produce first-rate hides, good beef and plenty of tallow [and] the contract for supplying the Governor and colony with beef at 2d per pound will prove very beneficial."..." [3058]

August 11th, at the Falklands, the *Robert Fulton* is wrecked off Prong Point, Lively Island.

August 27th, in England, Queen Victoria signs a Royal Patent giving Henry Southern the authority to conclude a peace treaty with Governor Rosas.

September 3rd, Palmerston notifies Southern that Queen Victoria has authorised his signing of the proposed Treaty with the Argentine Confederation; *"... as Her Majesty's Plenipotentiary."*

September 15th, the *Dover Telegraph* reports:

> *"In Buenos Ayres, the Honourable Chamber of Notables had (after a delay of six months) voted an answer to the message of General Rosas. The answer is, as usual, an echo of the message, but if possible more insulting towards England, more strongly insisting on the right of the Argentine Republic to take possession of the Falkland Islands, to expel the British invaders from the Strait of Magellan, to put a stop to the robbery of guano on the coast of Patagonia by British vessels..."* [3059]

September 28th, from Stanley, Governor Rennie informs the Colonial Office of a prosecution.

> *"I had directed the Master of the American Whaler "Hudson", Captain Hiram Clift, to be prosecuted for killing and appropriating to his use several wild cattle, at that time the property of Mr. Lafone."* [3060]

"... I beg to remind your Excellency that Even the person who killed the bullock aluded (sic) to was not aware he was doing wrong for he bought the beef hanging on his Stern into the harbour not offering in the least to Conceal it and when accused Acknowledged the number he had killed and paid the price that was Charged him..." [3061]

3057 Berhardson 1989 p.292a
3058 Wilson 2016
3059 *Dover Telegraph & Cinque Ports General Advertiser* Saturday September 15, 1849 p.6
3060 *FO 97/35/86.* See 1850, 1853 & 1854.
3061 *Smyley to Rennie October 24, 1853* quoted in full in Pascoe 2022 vol.2 pp.654-655 citing *Despatches from United States Consuls in Port Stanley, Falkland Islands 185101906* in *National Archives and Records Service, General Services Administration, Washington DC, 1960. cf.* 1853 & 1854

October 12th, from Buenos Aires, Henry Southern reports that General Rosas is preparing for conflict with Paraguay, which has taken territory from the adjoining Argentine provinces. Argentines support the action as they still view Paraguay as a province, and not as a separate country.

> *"I find it extremely difficult to procure information in this Country. On the one side the profoundest reserve is maintained, and on the other the wildest and most exaggerated statements are fabricated without the slightest reference to truth."* [3062]

October 13th, in the Falklands, the population in Stanley rises to 200 with the arrival on *Victory* (Mullens) of 30 Chelsea Pensioners and their families. Under the command of Capt. James Reid assisted by Sergeant Major Henry Fulton. Prefabricated wooden cottages have been shipped over. [3063]

"Rennie intended them "to form a kind of military village apart from the settlers, providing attached to each house, a small garden..." In addition, these men and their families were to receive some cattle..." [3064]

"On arriving at Stanley, the pensioners "were to live in the cottages and be given parcels of 10 acres of land, and with grazing rights over an individual amount of land not exceeding 100 acres". The men themselves were subject to the Mutiny Act and the Articles of War and were at all times liable to be called into service if their services were required." [3065]

October 20th, in Argentina, *The Times* report of the July House of Commons exchange is reproduced in the *British Packet and Argentine News,* accompanied by an Editorial.

> *"To say nothing of the question of right, Lord Palmerston's memory serves but indifferently as to facts. When, in the beginning of 1833, Captain Onslow was sent in H. M's sloop Clio to port Louis for the purpose of executing, in the name of Great Britain, the alleged rights of sovereignty over the Falkland Islands, he found there a colony established by Mr. Vernet under the auspices of the Argentine Government, and which had been in existence for nearly seven years! Again, the Government of the Confederation, so far from silently waiving its right, takes yearly the opportunity of reasserting it in the most public and solemn document emanating from the Executive."*

November 2nd, at Stanley, with a prefabricated barracks erected, the Chelsea Pensioners go ashore.

November 15th, in Buenos Aires, General Rosas authorises Minister Arana to sign the draft Anglo-Argentine Treaty on behalf of the Confederation. [3066]

"Well, in that treaty nothing is said about the Malvinas Islands, which is curious because Rosas was very particular about Martin Garcia Island, which, even through an association of ideas, should have reminded him of the other irredentist islands." [3067]

3062 *Southern to Palmerston October 12, 1849* in *FO 6/145/57*

3063 Royle 1985. Average age was 42. Pascoe (2022 vol.2) gives the name of the captain of *Victory* as Reid.

3064 Bernhardson 1989 p.297. Pensioners and families totalled 137 people – the youngest was 26, the oldest, Henry Felton, 53. Most would leave after 1856 when their service agreement expired but at least 7 families remained, with surnames Felton, Fleming, Reddie, Roach, Simpson, Smith and Short. Names surviving into the 1960's. Some are there still; including the descendants of John and Sarah Short.

3065 *A 175 años de la llegada de los colonos británicos a las Falkland* Gavin Short in *Infogate* October 11, 2024

3066 *FO 93/10/4*

3067 Rojas 1950 p.13

November 24th, the "*Convention for re-establishing the perfect Relations of Friendship between Her Britannic Majesty and the Argentine Confederation",* otherwise known as the *'Convención de Paz'* in Buenos Aires, is agreed and signed – by Southern, Arana and Rosas. [3068]

America's representative in Buenos Aires reports the news to Washington.

> *"The rumor is today, that the convention lately made with this Government, by Mr Southern, the English Minister, for the settlement of their long pending difficulties, and sent to his government for examination and approval, has been returned to him, with directions to sign it, and to exchange the ratifications. On the other hand, it is said, that the French Government will not agree to the convention made for the same object, by Admiral Le Predour. I shall enquire into the truth of these rumors, in the proper quarter, perhaps today."* [3069]

"Rosas (sought) to buy with the Falkland Islands, which were already in the hands of England, the abstention of the Englishmen in the matter of the Rio de la Plata... 8th: (Not written). England kept the Islas Malvinas..."[3070]

"... a concession to Britain or a culpable oversight?" [3071]

"Dr. Rojas' interpretation can be countered as follows: 1° Article 1, in referring to "differences" being resolved, reads that they are "those that have interrupted political and commercial relations between both countries". The Malvinas/Falklands conflict had not provoked this effect." [3072]

"For Rosas the Falkland Islands were... a frozen asset in the game of diplomacy, nothing more." [3073]

"Rosas signed the treaty of friendship with Queen Victoria. There it says: "Under this convention perfect friendship between Her Britannic Majesty's Government and the Government of the Confederation, is restored". In no article or detail of the document is there any proviso for the restitution of the islands iniquitously usurped." [3074]

"The treaty was not imposed on Argentina by Britain; the Argentine leader General Juan Manuel Rosas humiliated Britain by prolonging negotiations for nine months (October 1848 to July 1849) until he got everything he saw as important, including recognition of Argentina as a sovereign power in which European

---

3068 Under the terms of this treaty, the occupied Island of Martin Garcia was returned to Argentina and Britain was required to salute the Argentine flag with "*20 cannon shots*." No mention being made of the Falkland archipelago; it remained in English hands. Called at the time the *Convention of Peace/Convención de Paz*; more recently the treaty has became known in Argentina as the *Southern-Arana Treaty,* despite the signature of General Rosas on the document. See https://falklandstimeline.files.wordpress.com/2018/03/convention-between-great-britain-and-the-argentine-confederation-for-the-settlement-of-existing-differences-and-the-re-establishment-of-friendship-november-24-1849.pdf

3069 *US charge d'affairs Harris to US Secretary Clayton November 24, 1849* in Manning 1932 p.492

3070 *"(No escrita) Inglaterra se quedaba con las islas Malvinas ..."* in *Rosas y Thiers: La diplomacia europea en el Río de la Plata (1838-1850)* Carlos Pereyra 1919 pp.202-206. Republished in Buenos Aires 1944 (pp.217-222). Argentine Deputy Absalon Rojas, speaking in the Chamber of Deputies in 1950, sought to explain Pereyra's words; *"According to Pereyra, this was a secret clause; he affirms it in a categorical way, although without mentioning the source of such an assertion, all the more surprising from the mouth of a hundred percent Rosista (Rosas supporter)."* The suggestion that there was, in addition to the Convention's 7 articles, an unwritten 8th, surrendering the Falkland Islands to Britain. A secret agreement has long been suspected, but remains unproven. However, see February, 1852, below.

3071 Absalon Rojas addressing the Argentine Congress on July 19, 1950, quoted in *Cuando Rosas quiso ser inglés* Alfredo R. Burnet-Merlín 1974. See also *Rosas y las Malvinas* Absalón Rojas 1950

3072 Representative John William Cooke quoted in Kohen & Rodriguez 2017 citing *Acción parlamentaria Tomo 1 John William Cooke Obras Completas* Eduardo Luis Duhalde 2007 pp.389-390

3073 *Britain and Argentina in the Nineteenth Century* H. S. Fern 1960 p.232

3074 *Historia de las Islas Malvinas* Juan José Cresto 2011, President of Argentina's *Academy of History*

powers were no longer to intervene at will, and sovereignty over the River Paraná, which he particularly wanted in order to isolate separatist rebels in Paraguay and Corrientes. Argentine historians generally regard the Convention of Settlement as a triumph of Argentine diplomacy, though some have criticised it for omitting Argentina's claim to the Falklands. In fact Rosas had long regarded Argentina's claim as something that could be traded away in exchange for more direct advantages." [3075]

"Although admittedly the principle of uti possidetis would apply in favour of a territory's occupier when a Peace Treaty makes no reserve to such occupation, it would not apply to the Southern-Arana Treaty because the conflict had nothing to do with Malvinas but was confined to the more actual and urgent situation in the River Plate,..." [3076]

"The words "perfect friendship" are definitive and all-encompassing; the Convention thus "wiped the slate clean" of all disputes and put relations between Britain and Argentina on a new footing." [3077]

December 10th, Rosas and Southern hold a long, near all-night, meeting to discuss, inter alia, the resumption of diplomatic relations. To Southern's surprise, Rosas remains opposed to formal recognition of Southern as an Ambassador until the peace treaty is ratified. In the face of Southern's protests about how that would appear, Rosas lists Argentina's demonstrations of '*good faith*' including his dispensation of the question of compensation and there having been no mention, so far, of the issue of the Falkland Islands.

> *"... has not introduced the grave question which is pending of the Falkland Islands"* [3078]

Southern tells Rosas that the peace treaty has resolved these issues. [3079]

"... countries and places occupied or conquered remain in the power of the party that occupies them, ... that is to say, things are to remain in the state they are in at the moment of peace; thus each party retains the sovereignty of the territory it occupies." [3080]

"What was the reason for Rosas to omit any reference to the Malvinas Islands? There are two hypotheses: first, because he left them for further negotiation; second because Rosas was so bound to England that he could not even allude to that matter... The first hypothesis, related to the possible subsequent negotiation, could be acceptable, but in that case, it should have, at least, a reservation of rights. For that reason I discard that first hypothesis, ... What hidden understanding, what secret commitments, what secret was there between England and this lonely and taciturn man ...?" [3081]

"(Rosas) did attempt to make a reservation of the Falklands dispute after the treaty was signed, but Southern pointed out to him that treaties of peace ended all differences between their signatories; far from disputing the point, Rosas actually repeated it, and did not mention the Falklands again." [3082]

December 11th, Southern writes to Rosas, so that there is a record of his comments, repeating that the negotiations have ceased and that all matters are settled. [3083]

> *"All national differences are terminated by solemn and public Conventions of Peace..."*

3075 Pascoe & Pepper 2012 p.7
3076 Peña & Peña 2018. A rather contradictory argument.
3077 Pascoe 2020 p.190
3078 *Rosas to Southern December 15, 1849* in *FO 6/145 f.203*
3079 *Southern to Palmerston December 13, 1849* in *FO 6/145 f.178*
3080 *Le Droit international théorique et pratique* Carlos Calvo 1886
3081 Rojas 1950 pp.14 & 15
3082 Pascoe 2020 p.191
3083 *Southern to Palmerston December 13, 1849 in FO 6/145/178*

"... on 11 December, the day after the conversation, he handed a 5-page written memorandum to Rosas's daughter "Manuelita" (who acted as his secretary) summarising the previous night's conversation. It included Southern's statement that: 'All national differences are terminated by solemn and public Conventions of Peace...'..." [3084]

December 15th, Rosas replies to Southern. [3085]

"Rosas's long reply repeated the arguments in Southern's memorandum, first giving the statement by one side, then the reply by the other, and adding his own extensive additional explanations. Significantly, Rosas merely repeated without further comment Southern's statement that "All national differences are terminated by solemn and public Conventions of Peace" – that statement therefore appears twice in the exchange, first in Southern's memorandum to Rosas and again in Rosas's reply to Southern. By repeating Southern's statement without contradicting it or limiting it in any way, Rosas showed unambiguously that he accepted the ending of the Falklands dispute." [3086]

December 17th, from Buenos Aires, Southern writes to inform Palmerston that Rosas has accepted that he should submit the peace treaty to Congress without awaiting a prior ratification by Britain.

December 24th, in the USA, Senator William Seward writes to Secretary of State John Clayton requesting that the US Government intervene; *"... on behalf of Isaac P. Waldron and William H. Smyly, who were injured in their persons and property at the Falkland Islands in 1832, by Louis Vernet who claimed to be the Governor of those Islands under the authority of the Buenos Ayrean Government."* [3087] Attached, is a petition signed by the two claimants.

> *"This petition sets forth, the capture the capture of property and imprisonment, and other harsh and illegal treatment of claimants by Vernet, supported by their affidavits before F. R. Lee, Commissioner of deeds, and certified by James Connor, Clerk of the city and county of New York. The Memorial claims $50,000, damages but shews no bill of particulars of the articles lost or confiscated..."* [3088]

December 27th, in Buenos Aires, Rosas addresses his annual message to the Legislatura.[3089]

> *"The differences pending with the Government of HBM **have reached a solution**, that accelerates, in a reciprocally honourable manner, the re-establishment of the previous cordial understanding."* [3090]

Governor Rosas briefly mentions the Falkland Islands dispute in his message.

> *"The Government pays serious attention to the outstanding claims of the Republic to Great Britain, for the unjustifiable detention of the Malvinas Islands."* [3091]

3084 Pascoe 2020 p.199
3085 *FO 6/145 f.214*
3086 Pascoe 2020 p.200
3087 Manning 1932. *cf.* 1831, March, 1849 & 1856
3088 *James A. Peden to William L. Marcy No.43 June 2, 1856* in Manning 1932 p.592. See December 27, 1849 below.
3089 The '*mensaje*' was dated December 27, 1849 and signed by Rosas, but it was not read out to the Legislature on that date; nor was it read out by Rosas as tradition demanded. Not actually delivered until January 1, 1850. All 453 pages read by a clerk to those assembled. It took four days.
3090 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 p.265. My emphasis.
3091 Coming before the agreement was confirmed by ratification, this was the last mention of the Falkland Islands in the *mensaje* for 91 years; although it should be acknowledged that internal conflicts prevented any message in 1850.

Rosas also mentions Minister Moreno's exchange of July/August with Lord Palmerston.

> *"The Argentine Minister gave account of an extraordinary reply, of that of the Foreign Affairs of H.M., in the House of Commons, upon the question of the Falkland Islands, calculated to show that, many years ago claims had been made on the part of Buenos Ayres to the Falkland Islands; which had been resisted by the British Government –*
>
> *That Great Britain had always disputed and resisted the right of Spain to the Falkland Islands, that she was not disposed to cede to Buenos Ayres, what she had refused to Spain; that said Islands having been unoccupied, ten or twelve years ago, Great Britain took possession of them, and had maintained an establishment there from that time; and that he considered it very impolitic to revive a correspondence, that had ceased by the acquiescence of one of the parties, and the perseverance of the other. –*
>
> *The Argentine Minister added, that he had immediately protested against this unexpected declaration; and very clearly and distinctly against the ambiguous or erroneous idea or assertion, of the withdrawal of the reclamation of the Republic, and its consent to the usurpation of the Malvina Islands, by the British Government; the Argentine Minister reserving the right of afterwards pointing out other serious inaccuracies, that were observable in said reply, as to the history and state of discussion –*
>
> *The Government fully approved the well founded claim and protest of the Argentine Minister, against the incorrect assertions of that of the Foreign Affairs of H.M. – And expressed to him, by that opportune protest, he had maintained, as it was proper he should have done, and as he should do in all cases, the just rights of the Confederation to the Malvina Islands, against the new disavowal that had been made of them, by the Minister of Foreign Relations of H.M., upon the so unfounded supposition, that the correspondence might have ceased, by acquiescence on the part of the Confederation, or of both parties, according to the two different versions that appeared in the periodicals, of that idea of H.M.'s Minister –*
>
> *The Government recognised the tact wherewith the Argentine Minister reported to it, that he had reserved the right of afterwards pointing out other very grave inaccuracies, that were observable in the reply of the Minister of Foreign Affairs of H.M.; a manifestation that hinged upon the following expressions: "that many years ago, a claim was made on the part of Buenos Ayres, respecting the Falkland Islands – Great Britain always disputed and denied the claim of Spain to the Falkland Islands, and therefore was not disposed to concede to Buenos Ayres what she had refused to Spain –*
>
> *That ten or twelve years ago, the Falkland having been occupied for some time, England took possession of them; and since then had always kept an establishment there" –*
>
> *The Government ordered its Minister that, on treating of this, he should always maintain the same principles, and should found upon the very acts that resulted from the correspondence that had taken place on this affair; and transmitted to him other orders, for the support of the unquestionable rights of the Confederation to the Falkland Islands."* [3092]

"... it is absurd to claim that Rosas renounced the Falklands/Malvinas through the treaty, when he continued to officially claim the islands a month after having concluded the treaty!" [3093]

3092 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* 1910 vol.2 pp.266-267

3093 Kohen & Rodríguez 2017 p.155. As regards this assessment by these authors, see Pascoe 2022 vol.2 pp.631-640

"... in December 1849 the treaty was not yet ratified and so had not yet come into force. Southern and Rosas confirmed in their conversation on the night of 10-11 December 1849 that a treaty did not come into force until it had been ratified, so both knew that any statements made before ratification did not contradict the treaty or cancel it. So Rosas's protest of December 1849 was merely symbolic and did not lessen the effect of the peace treaty." [3094]

Correspondence relating to the signing of the Treaty is laid before the *Chamber of Representatives*. [3095]

Governor Rosas writes to Henry-Southern to confirm that, despite what may have been said in Congress, there were no further issues and that therefore there would be no impediment to the ratification of the treaty.

"After this protest, ... until 1884, under the government of General Julio A. Roca, Argentina did not claim rights over the Falklands. Neither Urquiza, nor Mitre or Sarmiento, nor Avellaneda recalled the existence of this international dispute." [3096]

In Washington DC, on the same day, responding to Senator Seward's letter of December 24th, US Secretary John Clayton, writes to William A. Harris. The US *charge d'affaires* at Buenos Aires is given instructions regarding the complaints and claims of William Horton Smyley and Isaac Waldron.

> *"You will press this case for an adjustment at the same time with those of the other citizens of the United States who were aggrieved by Vernet at those Islands."* [3097]

December 29th, in Buenos Aires, the *British Packet & Argentine News* reports on Lafone's contract. Referring to a dispute about the estimated land area that he was granted under the agreement.

> *"... some reduction should be made in the instalments. This is still a point of dispute between the contracting parties; the sooner, however, an equitable adjustment takes place, the better for the colony, whose energies are considerably retarded by this delay and uncertainty. The latest reports from the islands state that the governor is about to stop the works of Mr. Lafone: this would be a serious blow to the settlement."* [3098]

An editorial note reports the British Government's intention to sent out military pensioners to the archipelago.

> *"A large ship of 800 tons (the Victory) has been chartered by government to take out ninety pensioners and their families. This large and useful addition to the population of the islands will be of inestimable benefit."*

In London, the formation of a joint stock company is proposed by the merchants Ricketts Boutcher through the issue of *A Preliminary Prospectus of the Royal Falkland Land, Cattle, Seal and Whale Fishery Company*. This estimates the company's property to be; *"... land £120,000; existing buildings, plant etc. £10,000; wild cattle 80,000 at 20s, £80,000; wild horses, pigs and other animals £2,000; total £212,000. Lafone later admitted that these estimates may have been a little exaggerated."* [3099]

3094 Pascoe 2020 pp.200-201. Treaties were only 'concluded' upon an exchange of ratifications. See below.

3095 *Juan de Rosas to the Honourable Chamber of Representatives December 27, 1849* in *Archivo American y Espiritu de la Prensa del Mundo No. 21 Buenos Aires 1850* p.100

3096 Sierra 1978 p.245

3097 Manning 1932 p.40. Also Fitte 1966 p.437. See March 1850 below.

3098 Also on this date, the *British Packet & Argentine News* commenced a series of articles entitled *Wild Sports of the Falklands*

3099 The Falkland Islands Company website. See 1851, below.

"In 1849 Lafone's indebtedness to his London financiers led his brother to issue a prospectus..." [3100]

"Messrs Rickets, Boutcher & Co. contacted other merchants in the City of London, made the necessary financial arrangements, and at the end of 1849 issued a Prospectus of the Royal Falkland Land, Cattle, Seal and Whale Fishery Company, which stated that there were between 10,000 and 200, 000 head of wild cattle in the islands, with 3,000 wild horses; it gave the purpose of the company as being "essentially a trading company", though "The projectors do not under-estimate the value of colonisation", and for the first time is used the name "Lafonia" for the part of East Falkland south of what is now Darwin isthmus." [3101]

The Falkland Islands statistical 'Blue Book' for 1849, notes the presence in the islands of 101 white males and 44 white females, together with 5 coloured males and 4 coloured females. Also 83 *"Aliens and Resident Strangers"*.[3102]

1850 – January 7th, Algernon Sidney Montague, is appointed resident Magistrate and Coroner for the Falkland Islands. [3103]

January 9th, in England, Samuel Lafone's contract with the British Government is modified; extending his rights to wild cattle until 1856, and redrawing the boundaries.

> "*... all that peninsular or tract of land, part of the island of East Falkland (whatever be its extent), lying south of a line of demarcation running from a point in Darwin harbour, to a point in Brenton Sound, on the other side of the island, and which line of demarcation was fixed and indicated by the late Governor Moody by stakes and mounds,... "* [3104]

"Despite the agreement, relations were slow to improve. Less than a month later, Rennie complained of William's unwillingness to supply cattle at £1 per head (which Rennie considered equitable), rather than £1 10/-, because the hides alone were worth ten shillings. Moreover, Lafone's agent was unwilling to guarantee the latter price for more than a year." [3105]

"A new contract was signed on 9 January 1850. The Lafones were to purchase all of East Falkland south of a line between Darwin Harbour and a point on Brenton Sound together with Beauchene Island and some town and suburban allotments. Up to 1 January 1856 the Lafones have "the absolute right to an exclusive dominion over all wild horses, horned cattle, sheep, goats and swine upon the Falkland Islands, or any of them, with full power to kill and dispose thereof, but subject to the following restrictions (namely) not to kill except with the permission of the Governor for the time being any cows, wild or tame, except those unfit for breeding, or which should be required for consumption in the said Colony, nor reduce the number of bulls below the number requisite for insuring the largest possible annual increase." The Lafones also had exclusive rights to supply beef to Government and visiting ships. The price was £30,000 of which £10,000 had been paid in 1846, £10,000 cash was due immediately and the remainder was to be paid at £2,000 per annum without interest from 1 January 1852. Specified numbers of horses and pigs were to be "exhibited" to the Governor between

---

3100 Ellerby 1990. See - https://falklandstimeline.wordpress.com/wp-content/uploads/2018/01/ellerby-thesis-1990.pdf

3101 Pascoe 2022 vol.2

3102 *Salvaging Empire: Sovereignty, Natural Resources, and Environmental Science in the South Atlantic* James J. A. Blair 2023

3103 *The London Gazette No. 21059.* Montague left England in July 1850 to take up his post, leaving his wife destitute. The Colonial Office arranged sufficient funds for his wife to join him but when, in June, 1854, Montague resigned his post and returned to England, he again left her behind, destitute. She survived by opening a small school.

3104 *General Report of the Colonial Land and Emigration Commissioners* 1850 Appendix 53.

3105 Bernhardson 1989 p.290

1850 and 1854 as well as a stipulated number of other stock between 1850 and 1856. In 1855 this was 1,500 cows, 25 bulls, 8,000 ewes and 80 rams and culminated in 1856 with 10,000 ewes and 100 rams. The sheep: cattle ratio marks the change to the former from the latter as the linchpin of the agricultural economy. Cash flow started in 1850 when 429 hides raised 10 shillings and 6 pence each in Montevideo. A contract to supply Sulivan with 700 tamed cattle at 30 shillings each and 16 horses was completed within two months of signature. Whitington bought 300 tamed cattle for local consumption at 40-50 shillings a head…" [3106]

January 18th, in Buenos Aires, the *British Packet & Argentine News* reports that the Anglo-Argentine treaty; *"… puts an end to all old animosities."*

January 24th, the Chamber of Representatives authorises Governor Rosas to ratify the "*Convention of Peace, between the Argentine Confederation and the United Kingdom of Great Britain."*

That evening Rosas formally receives Henry Southern as "*Her Britannic Majesty's Minister*."

"The main difference between the secret clause of the First Nootka Sound Convention and other treaties and pacts where secret clauses were alleged is that in the former case, the secret clause was included in the text. … such was not the case … in the Southern-Arana Treaty of 1849 that ended the armed conflict between Great Britain and Argentina over the navigation of interior rivers, though the abrupt interruption of Argentine protests for the British takeover (of the Falklands) strongly suggests the existence of such an arrangement." [3107]

"In concluding the Convention of Peace, Rosas was giving up the Falklands as a lost cause, but what mattered to him was that he had forced Britain to accept Argentina as an equal partner on the world stage. It is important to remember that Argentina was not coerced by Britain into signing a peace treaty – it was the other way round: Argentina had forced Britain into signing a peace treaty." [3108]

February 5th, in England, signed copies of the treaty arrive for ratification. [3109]

February 8th, in London, Prime Minister Lord John Russell, addresses Parliament regarding a '*Colonial Policy with a view to Promote the General Wealth and Population of the Colonies and their Capacity for Self-Government*.'

> *"In considering this question, I will first state generally how our present Colonial empire stands, and as the facts in detail must be familiar to most Members of the House, I will content myself with the merest outline of those facts… At the commencement of the (18th) century, during the war, Gibraltar fell into our hands. After the glorious war of 1756, many more islands were added to our dominions,… "*[3110]

In listing the colonial acquisitions before 1815, the PM does not specifically mention the Falklands. [3111]

On the same day, Lord Palmerston instructs Britain's representative in Washington, Sir Henry Bulwer, to speak to the US Secretary of State; *"… in regard to the adoption of measures for warning American Shipowners & Shipmasters engaged in the South Sea Whale Fisheries that the destruction by them of Wild Cattle on the Falkland Islands is an unlawful act."* [3112]

3106 Wilson 2016
3107 Peña & Peña 2018
3108 Pascoe 2020 p.202
3109 *FO 93/10/4.* At this time treaties only came into force upon ratification, not signature.
3110 *The Speech of the Right Hon. Lord John Russell in the House of Commons Feb.8 1850, on Colonial Policy and with a view to Promote the General Wealth and Population of the Colonies and their Capacity for Self-Government, London 1850*
3111 It should be remembered that the Falkland Islands, in 1850, were regarded as a Crown Settlement, not a colony.
3112 *FO 97/35/100.* There was no response to this instruction. See 1853

March 24th, from Buenos Aires, William Harris, US *charge d'affairs*, writes to Washington confirming receipt of the note regarding the Waldron/Smyley claims.

> *"I certainly shall present and prosecute this claim, at the time and in the manner, which you have indicated. Mr. Smyley himself has just left this City, leaving at the same time, such directions and instructions, in regard to this claim, as he deemed it proper and advantageous for me to pursue."* [3113]

From Montevideo, Samuel Lafone puts forward proposals regarding the Falklands seal rookeries.

> *"A very important product of the rocks and islands of the Falklands is the fur seal, and for quality of fur the seal of these islands is admitted to be the richest in the world. The island of Beauchêne, the sea-lion group, and its adjacent rocks, all in the Company's grant, are favourite resorts of these valuable animals, as are the Jasons on the north-west extremity of West Falkland. Hitherto, these valuable rookeries have been so much poached by French and American adventurers and fished in so indiscriminate a manner, that on some of the best grounds the animals are becoming shy and scarce; a few years preserving would however repair this mischief and secure an abundant supply. It is well known that the fur seal will return to their favourite haunts if a respite be given to them. The profit attached to such an undertaking where, as in this case, the ground is favourable, is too well known to need much demonstration, suffice it to say that, a barren island in the same seas well protected [the Lobos Islands] is producing a very large revenue to the present Grantee of the south peninsula of the east Falkland."* [3114]

"Although the government was also unwilling to approve the request for a sealing monopoly, it did agree to award the company rights to specific sites if it could protect them from over hunting. The firm did not take up the offer..." [3115]

May 5th, in Buenos Aires, Britain's ratified copy of the treaty arrives.

> *"I am instructed under the Eighth Article of that Convention, to exchange this Ratification against a similar Instrument, ratified by H.E., the Governor and Captain General of Buenos Ayres, charged with the Foreign relations of the Argentine Confederation, Brigadier Don Juan Manuel de Rosas."* [3116]

May 10th, Juan Manuel de Rosas, formally ratifies the *Convention of Peace*. [3117]

"As between the belligerent powers themselves, it is held that the conclusion of peace legalizes the state of possession existing at the moment, unless special stipulations to the contrary are contained in the treaty. This is called the principle of uti possidetis, and it is of wide and far-reaching application." [3118]

May 15th, in Buenos Aires, ratifications of the treaty are exchanged; bringing the agreements into force. [3119]

3113 *Harris to Clayton March 24, 1850 No.46* in Manning 1932 p.493. *cf.* December, 1849 & 1856

3114 Quoted in Dickinson 2007 p.54 citing 'A Notice issued in London in the Year 1850' in *Falkland Islands Journal* 1970

3115 *Ibid.*

3116 *Southern to Arana May 5, 1850* published in the *British Packet & Argentine News* August 8, 1850

3117 *British Packet & Argentine News* August 8, 1850

3118 *The Principles of International Law* Thomas J. Lawrence 1910 p.571

3119 In the final analysis it can be argued that Rosas gave up his nation's claim to the Falklands archipelago with the ratification of the 1850 treaty. Whether he had intended to do so is moot. He was no diplomat, whereas Southern was a very experienced negotiator. Rosas wanted a deal before he took on Paraguay, and he wanted a deal that made him look good. He got both. A sixteen year old claim was never going to be allowed to interfere with that. Rosas gained what he wanted and the question of the Falklands was dropped for more than 30 years.

"Art. I. The Government of Her Britannic Majesty, animated by the desire of putting an end to the differences which have interrupted the political and commercial relations between the 2 countries, having on the 15th of July, 1847, raised the blockade which it had established of the ports of the 2 Republics of the Plata, thereby giving a proof of its conciliatory sentiments, now hereby binds itself, in the same amicable spirit, definitively to evacuate the Island of Martin Garcia; to return the Argentine vessels of war which are in its possession, as far as possible in the same state as they were in when taken; and to salute the flag of the Argentine Confederation with 21 guns… [3120]

Art. V. Her Britannic Majesty's Government having declared "that it is freely acknowledged and admitted that the Argentine Republic is in the unquestioned enjoyment and exercise of every right, whether of peace or war, possessed by any ***independent nation****; …"* [3121]

"The effect of the treaty of peace is to put an end to the war, and to abolish the subject of it." [3122]

"The treaty of peace leaves every thing in the state in which it found it, unless there be some express stipulation to the contrary. The existing state of possession is maintained, except so far as altered by the terms of the treaty. If nothing be said about the conquered country or places, they remain with the conqueror, and his title cannot afterwards be called in question." [3123]

"… Mr. Southern, .., signed the convention with this Government, which puts an end to all old animosities, and re-establishes the former relations of friendship and good understanding." [3124]

"It may be assumed that the seigniority of the Falkland Islands has been definitively forfeited,.." [3125]

"As between the belligerent powers themselves, it is held that the conclusion of peace legalizes the state of possession existing at the moment, unless special stipulations to the contrary are contained in the treaty." [3126]

"Unless the parties stipulate otherwise, the effect of a treaty of peace is that conditions remain as at the conclusion of peace…. if nothing is stipulated regarding conquered territory, it remains in the hands of the possessor, who may annex it." [3127]

"The Convention of Settlement was an international agreement between Britain and Argentina. It was a peace treaty, so by ratifying it in 1850, Argentina accepted that the Falklands were legitimately British and no longer regarded them as Argentine territory." [3128]

"… the Republic of Argentina mentions the treaty on friendship and navigation between the Argentine Republic and the United Kingdom, concluded in 1825, but does not also refer to the Convention of Settlement, ratified in 1850 by the British Government and the Republic of Argentina which comprehensively settled all existing

---

3120 Many of the Argentine squadron seized by the British were unseaworthy, and no British garrison had existed on Martin Garcia after 1847. Rosas had known this, but insisted on these terms being included, simply because he could.

3121 My emphasis. Article 5 constituted final and absolute recognition of the Argentine Republic as a *de jure* (in law) Nation. Something Britain had not done in 1825, and that Spain would not do until 1859 (without Buenos Aires) and 1863 (with Buenos Aires). *cf.* 1825

3122 *The Law of Nations or the Principle of Natural Law* Emer de Vattel 1797

3123 *Elements of International Law: with a sketch of the history of the science* Henry Wheaton 1836. *cf. Elements of International Law and Laws of War* H. W. Halleck 1866 p.353

3124 *British Packet & Argentine News* May 18, 1850

3125 *British Packet & Argentine News* November 26, 1853

3126 *The Principles of International Law* Thomas J. Lawrence 1910 pp.571-572

3127 *Oppenheim's International Law* Hersch Lauterpacht 1952 vol. 2 p.611

3128 Pascoe & Pepper 2012 p.8

differences and established a "perfect friendship" between the two States. Subsequent to this ratification, the Republic of Argentina submitted only one official diplomatic protest regarding the Falkland Islands during the following 90 years. This shows that the matter had been settled to the satisfaction of the Argentine Government at that time." [3129]

"The feeling that Great Britain and Argentina had reached a peaceful and an agreed arrangement to the dispute over the Falklands/Malvinas was shared by several nations. From 1850 onwards, ten countries opened consulates in Port Stanley, giving a strong impression that they considered the conflict to be over." [3130]

"... it annihilated Argentina's title to the Falklands. If two countries conclude a treaty that makes their friendship "perfect", they have ended all their differences. It is not possible to continue a territorial dispute and still have "perfect" friendship." [3131]

"So the date of ratification of the Convention of Peace, Wednesday 15 May 1850, was the critical date in the legal history of the Falkland Islands. The Falklands dispute between Argentina and Britain, which had continued since 1833, ended on that date ..." [3132]

May 29th, reported from Stanley.

> *"Sir, The Government has made an alteration in the beacon on Point Pembroke, by erecting a sort of wooden tower at its base, ... above which is a topmast 30 feet high, the beacon, from base to top, being from 65 to 70 feet, and can be seen from seawards a distance of 10 miles. The Governor has wished me to state, that he has erected a reservoir, by which vessels can be watered for 5s to the quantity of twenty tuns, and 1s per tun for extra."* [3133]

July 9th, at Stanley, the survey vessel, HMS *Rattlesnake* (Lieut. Charles Yule), stops off during her return from the Pacific. Her crew are to make *"magnetical (sic) and astronomical observations"*. [3134]

August 12th, in London, in the British Parliament, an MP, Smythe, asks Lord Palmerston to present to the Commons all the documents relative to the recent negotiation with Buenos Aires, including all proposals. Lord Palmerston replies that; *"... a satisfactory treaty, having been concluded... he did not think it would be just or right to produce former proposals which had been unsuccessful."* [3135]

September 12th, William Horton Smyley is appointed as a Commercial Agent for the USA at the Falkland Islands. [3136]

> *"I certify that Captain William H. Smiley of Rhode Island has been appointed by the President of the United States their Commercial Agent for the Falkland Islands with all the privileges and authorities of right appertaining to that appointment."* [3137]

3129 British Government response dated May 28, 2013 to an Argentine letter of April 9, 2013 in *UN Document A/67/880*
3130 Peña & Peña 2018
3131 Pascoe 2020 p.191
3132 Pascoe 2022 vol.2
3133 *Notice to Mariners* by J. M. Dean published in the *Morning Advertiser* Thursday October 17, 1850
3134 *The Globe* Friday October 25, 1850.
3135 *Hansard August 12, 1850* col.1028
3136 The appointment of a Consul generally implies recognition of a political situation (country, State, territory). A Consul is also the commercial agent for his nation; empowered to engage in business transactions, but not political matters. A Commercial Agent is a lesser rank and should not act act as Consul. Smyley, on occasion, attempted to blur the lines and more than once referred to himself as Consul. See below. That said, the USA maintained an inconsistent policy in regards to the relevance of Consuls vis-a-vie recognition of sovereignty.
3137 Signed by Secretary of State, Daniel Webster. *FO 6/502/503.* Also *FO 78/25. cf.* 1851, 1854 & 1855

"... the judge told me in Conversation a few days ago that the American Government Sent me here as a CommerCial (sic) Agent for the purpose of not acknowledging the Rights of Sovereignty of the Islands to the British Government and so long as that was the Case I Would not be looked upon as Consul." [3138]

"(Smyly) thus obtained a status and respectability he had never enjoyed before.. He was now, after Gregoria Parry (or Perry), the most noteworthy survivor of the Vernet period still in the islands, having been appointed "branch pilot" by Vernet himself on 5 November 1831, though he had not been continuously resident." [3139]

October 26th, in the Falklands, *Marie* anchors at Hope Place in Lafonia with "*peons as passengers*"; workers for Lafone's estate.[3140]

November 30th, from Stanley, Governor Rennie, responding to Lafone's practice of importing workers on inequitable terms, writes to London proposing an *Ordinance for Regulating the Admission and Settlement in the Falkland Islands of persons not being British subjects*. [3141]

> *"The protracted warfare in the River Plate having diminished employment there, a considerable number of French mechanics, Spaniards, Negro's (sic) and others have come here, some sent by Mr Lafone and others to find employment on their own account. The greater portion of Mr Lafone's emigrants refuse to work with him on the terms he says he engaged them, and have left him..."* [3142]

December 11th, off West Falkland Island, the coal carrier *Waldron,* lying between Carcass Island and New Island, is abandoned with its cargo is on fire.

In the end of year review: *"I have the honour to enclose the Blue Book of this colony for the year 1850. 2. I have the gratification to state that on every source of interest or advantage to the colony there has been a satisfactory increase. 3. The resort of shipping to the settlement has greatly augmented. ... In 1849, only 12 English merchant vessels entered the harbour; in 1850 there were 23... 4. The fixed revenue, likewise, small as it is, shows a decided advance, from 184£ 10s in 1849, to 442£ 14s 2d in 1850. 5. Labour is in great demand, and at high wages; unskilled from 2s 6d to 4s 6d., mechanics from 5s to 8s per diem. Provisions of all kinds are at reasonable prices, and from 20 to 30 per cent. Lower than during the system of Government rations. ..."* [3143]

1851 – in **January**, notices appear in British newspapers and journals promoting the advantages of Stanley as a '*free port*'.

> *"The port of Stanley possesses peculiar advantages: it is easily entered, well protected, has a safe anchorage, and is a most desirable harbour of refuge during the westerly gales so prevalent in the latitude of Cape Horn. ... Application has been made to the government to erect a tower or lighthouse on Cape Pembroke, the south-east point of East Falkland Island, on which a telegraph may also be placed. When this is done it will greatly assist captains who have not been there before..."* [3144]

At the same time a prospectus is issued - *An account of the Falkland Islands. To which is added a preliminary sketch for the formation of a Chartered Company to be called the Falkland Islands Company London 1851.*

3138 *Smyley to Lewis Cass (Sec. Of State) December 31, 1857* quoted in Pascoe 2022 vol.2 p.646. The '*judge*' is believed to have been Robert Packe JP. A Consul for the US would be appointed in 1874.
3139 Pascoe 2022 vol.2
3140 Pascoe 2020 p.277 fn.5
3141 The proposal was approved.
3142 *Rennie to Grey November 30, 1850* in Bernhardson 1989 p.299
3143 *Despatch from Governor Rennie to Earl Grey February 20, 1851* in *FO 78/25*
3144 *Liverpool Mail* Saturday February 15, 1851

"In January 1851 a company was formed for the purchase of Lafones' rights and interests in the islands." [3145]

February 28th, at Stanley, Capt. William Horton Smyley presents himself to Governor Rennie. [3146]

> *"... in 1851, (Smyley) presented himself at my Office in a diplomatic uniform handing to me a Communication signed by Mr. Webster Secretary of State, United States, appointing him to be Commercial Agent of the United States at the Falkland Islands... and Captain Smyley was informed that until I had been appraised of Her Majesty's Grant of an Exequator I could not recognise him as a public functionary."* [3147]

Governor Rennie sends the authorisation signed by the US Secretary of State in September, 1850, to London.

> *"It is with some satisfaction that I notify this recognition by a foreign power of the growing importance of this Colony..."* [3148]

April 24th, from Montevideo, Samuel Lafone agrees to sells his rights to a new company, based in London, provided that he remains both a Director and *'Manager at the Falklands,'* with 20% of the share issue.

"... but serious problems lay ahead. The whole edifice was based on a grossly inflated valuation of the assets taken over (£212,000) without any attempt to audit them, and whatever his title Lafone was anything but an on-site manager." [3149]

"In 1851, a new phase began in the Islands, when the recently created Falkland Islands Company obtained the lands of Lafone with the objective of raising sheep and producing wool. The workforce, the majority of whom came from what is now Uruguay, were subjected to iron discipline which, when necessary; included whipping and hanging." [3150]

"On 24 April 1851 there was a meeting in London attended by the members of a "Committee of Investigation", all of them merchants interested in the venture, and a paper was read by Thomas Havers, on the Lafone interests in the Falklands up to December, 1850. The paper also included proposals for a mail service between the islands and Britain, the setting up of a general store at Stanley, and a request to government to build a lighthouse on Cape Pembroke." [3151]

In the Falkland Islands, Governor Rennie remains unhappy about the Lafone agent's practice of laying off and abandoning the company's workers whenever the weather prevents cattle hunting.

> *"Mr Williams discharged them, generally destitute, and without the means of returning to their own country. The consequence was that they flocked to (Stanley), half clothed, and scarcely physically able to perform the light work which I was under the necessity of finding for them to prevent starvation..."* [3152]

3145 The Falkland Islands Company website.
3146 Other sources give the date as March 3rd, 1851.
3147 *FO 6/502/498. cf.* 1854 & April, 1855
3148 *Rennie to Earl Grey March 3, 1851* in *FO 78/25*
3149 Bill Featherstone in Tatham (ed.) 2008 p.325. Lafone never visited the islands.
3150 Bullrich 2000 pp.110-111. There is no evidence of executions, or whippings. Bullrich provides a single example of a hanging – Hilario Cordoba – who he claims was 'summarily' executed on the orders of the Governor. In fact Cordoba was tried in 1854, on a charge of murdering a Basque labourer, Jean Cousteau. Cordoba was found guilty and legally executed for his crime.
3151 Pascoe 2022 vol.2
3152 *Rennie to Packington September 7, 1852* in Bernhardson 1989 p.300

Captain Campbell (*Levenside*) is granted a licence to investigate the guano deposits of New Island.

A population census shows that there are now 383 people present on the Islands, including 72 '*Spaniards,'* and 74 persons, '*born in Ireland.'* [3153]

"In 1851, when the British colony had become firmly established, there were 51 adults and 18 minors or either Argentine or Oriental (what is now Uruguay) origin. All were registered in British records as Spanish to avoid them appearing as Argentines." [3154]

"A large proportion of the Victorian army came from Ireland and the 1851 census counts seventy-four persons of the Irish nation: fifteen were military pensioners and many of the rest their wives and children." [3155]

"... the 1851 Falklands census actually records a population of 383, and the 1851 Blue Book records a total of 423 people, made up of 190 "white" and 2 "coloured" males, 130 "white" and 1 "coloured" female, and "about 100 aliens and resident strangers" – some of the figures are clearly approximate, and the discrepancy of 40 no doubt arose from under-recording at Hope Place. The population of the islands was slowly increasing: in 1851 there were 5 marriages, 6 births, 3 deaths, and 38 "scholars" in full-time education." [3156]

May 11th, at Stanley, a barque, *Lalla Rookh*, anchors. On board is a passenger Robert Christopher Packe.

May 17th, in London, a meeting is held of Lafone's creditors.

"The final prospectus produced to entice investment was even more optimistic than Lafone's letter to Boutcher. Assets were valued at £212,000 including £120,000 for 800,000 acres (by then known to be at least one third too much) at 3 shillings per acre; £80,000 for cattle at 20 shillings each but with a note that the real number was 100,000-200,000 of which about 15,000 were in Lafonia with 3,000 wild horses; and £12,000 for other stock and infrastructure built by the Lafones." [3157]

May 29th, in South America, Brazil, Paraguay, Uruguay and the Confederation Provinces of Entre Rios and Corrientes form an alliance against the Argentine Confederation.

July 14th, in London, during a Commons debate, and before asking MPs to agree to £5,000 for the islands' expenses, War Office Minister, Benjamin Hawes, explains the position of the British Government.

> *"The Falkland Islands are, in point of fact, a naval station of great benefit and advantage to the power and general trade of this empire; and when we possess a station of that sort, of course it is necessary we should have some kind of government, and proper officers to carry it into effect. It was always considered of great importance that England should possess this naval station;.."* [3158]

August 6th, in the Falklands, *Armantine*, with a cargo of wines and silks, is wrecked at Cape Frechel.

August 18th, in Buenos Aires, Brigadier-General Rosas declares war on Brazil and its allies. [3159]

August 22nd, in Stanley, Governor Rennie submits an estimate of the Colony's costs for the forthcoming year 1852 to 1853 of £5,000; *"... the same as that proposed for the current year."* [3160]

3153 One resident was recorded as '*Peruvian*.'
3154 Bullrich 2000 p.114
3155 *The Irish in the Falkland/Malvinas Islands* Murray 2005
3156 Pascoe 2020 p.276
3157 Wilson 2016
3158 *Hansard: Supply – Civil Service* 14, July 1851 at 672. The Falklands were never used as a naval station, with Rio de Janeiro continuing to act as the primary South American base throughout much of the 19th century.
3159 Known as the Platine War. The culmination of years of animosity regarding control over Paraguay and Uruguay.
3160 *Rennie to Ear Grey August 22, 1851* in *FO 78/25*

In **October**, in Buenos Aires, the US *chargé d'affaires*, W. A. Harris, writes to Luis Vernet. [3161]

> *"I have no hesitation in announcing to you, as my private opinion, that you are justly entitled to equitable compensation, for damages suffered in the Falkland Islands, by a United States naval force on the ship Lexington, commanded by Capt. Silas Duncan. On the same grounds, and similar grounds, it is my opinion that you would also have a fair and just claim against the Government of Great Britain. Without intending to enter into a note like the present in the reasons that base this opinion, it may nevertheless be sufficient to say that at the time when the victorious revolution of the provinces of Buenos Aires took place, the rights of sovereignty were very unquestionably the King of Spain's; they (Buenos Aires) succeeded all the rights of the Motherland; Mr. Vernet was properly invested, as civil and military governor of these islands, with the exercise of certain rights, which clearly belonged to the Government of Buenos Ayres, and, while legally exercising these rights, his establishment was dispersed and destroyed…"* [3162]

November 21st, in Argentina, Robert Gore arrives as Britain's newly appointed *charge d'affairs* and Consul General. On receipt of Gore's papers, Foreign Minister Felipe Arana refers to: *"... the relations of perfect cordiality that happily exist between the Government of Her Britannic Majesty and that of the Argentine Confederation."* [3163]

December 23rd, in London, a *Charter of Incorporation of the Falkland Islands Company Limited* is published.

> *" … that the several persons hereinafter named and others have united together to form a Company under the name of the Falkland Islands Company for the purposes of purchasing the benefit of the said recited contract of the ninth day of January one thousand eight hundred and fifty … and also the said lands and hereditaments situated in the Falkland Islands belonging to the said Alexander Ross Lafone as aforesaid of subduing and breeding from the stock of wild cattle and other animals on the said Islands of establishing whale seal and other fisheries and exporting and trading in the general products of the said Islands and the coasts thereof … and that the said persons propose to raise a capital of £100,000 sterling to be divided into one thousand shares of £100 each for the purpose of carrying on the business …"* [3164]

At Stanley, HMS *Dido* anchors.

For the Falklands, the end of year statistical Blue Book notes five marriages, six births, three deaths, and 38 in full time education. [3165]

"Among the native-born inhabitants were the three children of the former black slave Carmelita, who had died in 1845: José Simon, aged about 20 (born around 1831), Manuel Coronel aged 18 (born 1833 and Richard Penny aged 14 (born 1837); the 1851 census lists José as a carpenter, Manuel as a gaucho and Richard as an apprentice." [3166]

3161 There is no information as to what had prompted this communication.
3162 Quoted in Caillet-Bois 1982 (6th ed.) p.37 fn.20 citing *Archivo de Vernet* in *Archivo General de la Nación, Buenos Aires, División Nucional, Sección Gobierno*
3163 *Arana to Gore December 1, 1851* in *The British Packet & Argentine News* December 6, 1851
3164 See - https://nationalarchives.gov.fk/jdownloads/FIC Collection/Administration/Charter etc 1851.pdf
3165 *CO 81/6*
3166 Pascoe 2022 vol.2

1852 – January 9th, HMS *Dido* sails for Patagonia.

January 10th, in London, the recently formed Royal Falkland Land, Cattle, Seal and Whale Fishery Company gains a Royal Charter; signing a 7 year contract with the British Government for the conveyance of mail, by ship, between Montevideo and the Falklands for £700 per annum. John Pownall Dale is appointed the Company's local manager in the Falklands. [3167]

> *"The transference to the Falkland Islands Company of the large interests held by Mr. Lafone, and the commencement by that corporation of a more comprehensive system of operation, supported by a large capital, gives me very favourable hopes of benefit to the colony,..."* [3168]

"For a beleaguered Rennie, creation of the Falkland Islands Company was a relief, its first local manager a welcome change. After several interviews with J. P. Dale, a former consular official at Montevideo, the Governor expressed to "cordially cooperate with Mr. Dale..." ... The conciliatory Dale agreed to comply with the Alien Ordinance by assuring the Governor that no imported peons would become a public responsibility. ... In fact, Company-Government relations proved no less difficult in succeeding years, even though the tenor of the exchange was, for a time, less directly confrontational." [3169]

"On receiving its Royal Charter on 10 January 1852, the lengthy title was redacted to The Falkland Islands Company Limited (hereafter FIC). Samuel Lafone became a director ..." [3170]

January 26th, at the Falklands, *Levenside* founders in Port William while the Governor is on board.

February 3rd, in Argentina, Brigadier-General Rosas is defeated at the Battle of Caseros. Disguised as a sailor, he flees to nearby Buenos Aires, where he takes refuge in the house of Britain's *charge d'affairs*, Robert Gore.

> *"... to my astonishment I found General Rosas in my bed..."* [3171]

From Buenos Aires, Luis Vernet sets out for England, accompanied by his youngest son, Federico Alejandro. [3172]

"I had in vain applied for redress to the British Government through the Admiralty on the station, and through Lord Palmerston, and – deprived as I had been of all my disposable property – I had not the means to come to England personally to claim justice, and the agents whom I successively appointed to act for me, neglected to do so, because I could not supply them with the necessary funds to meet the expenses. However, in 1852, I had succeeded to gain some money,..." [3173]

"... he (Vernet) ... travelled to Europe in an attempt to obtain compensation for his losses sustained in the Falklands, ... It is hard to see how he can realistically have expected significant compensation. His endeavours in the Falklands had been epic and heroic, and he had undoubtedly suffered great losses, but those losses were in large measure the result of sheer bad luck – his associates in the 1824 expedition were incompetent, he was obstructed by the war between Brazil and Argentina, several of his ships were wrecked, and his establishment was in the long run not financially viable." [3174]

3167 Dale was Samuel Fisher Lafone's brother-in-law. First Chairman of the Falkland Islands Company was Sire William Gore Ousley; British Minister to Buenos Aires in 1844.
3168 *Rennie to Packington January 8, 1853*
3169 Bernhardson 1989 p.304.
3170 Wilson 2016
3171 *Gore to Palmerston February 9, 1852* in *FO 6/167/60*
3172 Exact date unknown, Vernet arrived in London mid-March, 1852
3173 *Letters from MLV to the Right Hon. Lord Stanley, Secretary of State for the Colonies, Concerning his Claims on the British Government, and the Neglect of the Colony of the Falkland Islands* Louis Vernet 1858
3174 Pascoe 2022 vol.3 p.7.

February 10th, Gore arranges for Rosas, with his family and two servants, to go aboard HMS *Centaur,* which is moored in the Rio de la Plata. From there they are transferred onto HMS *Conflict,* which sails for England. [3175] Robert Gore, however, is concerned about repercussions.

> *"I consider it would be most beneficial to the Publick Service if Your Lordship would give me a leave of absence for 6 months or a year to proceed to England, until the angry feeling is calmed that at present exists against me on account of the assistance I gave to save the life of that General."* [3176]

"One of his political enemies, Rivera Indarte, alleged that Rosas assassinated 722 persons, shot 1,393, and beheaded 3,765." [3177]

"Rosas's supporters, both past and present, have praised him as an advocate of provincial rights, an icon of authentic Argentine culture, and a staunch defender of national sovereignty. To his critics he was a ruthless tyrant who ordered the murder or exile of his opponents and kept Argentina mired in backward tradition." [3178]

In the USA, after a voyage lasting over 3 years, Capt. Hiram Clift returns to the Mystic seaport in *Hudson*, with 2,382 barrels of whale oil and 18,000 lb of bone; all taken from around the Falkland Islands.

February 18th, in London, a report is presented to the a meeting of the directors of the Falkland Islands Company.

> *"A Royal Charter has been obtained incorporating the Company… The Charter authorises this Corporation to carry out by trading the objects for which the Company was established… Seven hundred shares (have) been subscribed… the Directors found themselves in position to make arrangements for commencing the business of the Company. They therefore concluded the contemplated agreement with Mr. Samuel Lafone for the purchase of the Lands in the Falklands, with all the live and dead stock possessed by him in the Colony, and the rights and privileges agreed to be conveyed to him by the Crown. The amount to be paid is that set forth in the Prospectus, namely £20,000 in money and 10,000£ in 200 Shares of the Company…"* [3179]

February 19th, from Argentina, Robert Gore informs the Earl Granville that Minister Moreno in London is to *"be recalled,"* albeit with no replacement decided upon. [3180]

February 25th, Buenos Aires informs Montevideo that it intends to seize the island of Martin Garcia, in the Rio de la Plata.

"In February 1852 the Argentine Government in Buenos Aires decided it was in their interests to control the island, even though there had been no interference with their shipping. Accordingly, on 25th February they sent a formal note to the authorities in Montevideo, which said simply: "Between 10-15th March a sufficient force will leave this port to take possession of the said island". In a panic, the temporary Minister of Foreign Affairs in Montevideo yielded to this gun-boat diplomacy, and ordered the withdrawal of all 48 Uruguayan

---

3175 An unstated number of army officers were also permitted to go aboard.

3176 *Gore to Palmerston February 9, 1852* in *FO 6/167/57.* Gore withdrew his request on February 27, 1852.

3177 *Juan manuel de Rosas as Viewed by Contemporary American Diplomats* William Dusenberry in *The Hispanic American Historical Review* vol.41 no.4 November 1961

3178 *"Sometimes Knowing How to Forget Is Also Having Memory": The Repatriation of Juan Manuel de Rosas and the Healing of Argentina* Jeffrey M Shumway 2004 in *Death, Dismemberment, and Memory: Body Politics in Latin America* Lyman L. Johnson (ed.) 2004

3179 *CO 78/43.* Lafone accepted the £20,000 in debentures, bearing interest at 5%, payable in instalments.

3180 *Gore to Granville February 29, 1852* in *FO 6/167/197*

personnel on the island. However, with a dramatic gesture of defiance towards both the Argentine invaders and his own superiors, the officer in command ordered his men to chop down the flagpole with flag flying, and took it to the mainland. He then claimed: "Our flag was neither lowered nor surrendered".” [3181]

March 1st, a Spanish Consul for Buenos Aires is appointed. [3182]

March 17th, now in London, Luis Vernet writes to Samuel Fisher Lafone in Montevideo, care of Alexander Ross Lafone in Liverpool, claiming compensation with regard to Lafone's cattle business in the Falklands. [3183]

March 22nd, in Britain, the *Morning Post* reports.

> *“We may state,.., on what we deem to be very good authority, that the late Governor of Buenos Ayres, General Rosas, was transhipped (sic) to the steamer Conflict, and that he is daily and hourly expected. … this extraordinary man is now fast approaching the shores of Great Britain.”*

On the same day, a *'Treasury Order'* is sent to the south coast ports.

> *“Gentlemen – General Rosas, the late ruler of the Argentine Confederation, being daily expected to arrive in England, accompanied by his daughter, on board Her Majesty's steamer Conflict, I am directed by the Lords Commissioners of Her Majesty's Treasury to desire that you will give the necessary directions to the officers of your department at Southampton, Portsmouth, and Plymouth, in order that General Rosas, in the examination of his baggage and effects, may be treated with the consideration and courtesy which are due to a person who has filled the exalted station in his country which General Rosas has filled.– I am, Gentlemen, your obedient servant, G. A. Hamilton.”*[3184]

April 10th, from the port of Liverpool, the new FIC mail schooner *Amelia* sails for Stanley with John Pownall Dale on board. Also a shepherd and 46 Cheviot sheep.

April 14th, still in London, Luis Vernet writes to General Sir Richard Burke, former Governor of New South Wales, requesting assistance in submitting a claim for compensation to the British Government; *“…for the value of my private property taken possession of on one of the Falkland Islands.”* [3185]

April 22nd, in Falmouth, England, Juan Manuel de Rosas, steps ashore. [3186]

April 26th, Rosas arrives in Plymouth as a political refugee. [3187]

> *“Another "refugee" has found an asylum on our shores. Manuel Rosas, the ex-tyrant of Buenos Ayres was at Queenstown, Ireland, yesterday week, and has since then made good his landing on English ground. The Guardian thus sums up his claims upon our good offices:- "Of all the refugees whom successive storms have flung upon our shores he is perhaps the most unworthy of the hospitable shelter he will find. A thorough man of the pampas, he has never understood civilization, nor civilization him; and he has learnt nothing by contact with it but rapacity and cunning. His career has been one long reign of violence, treachery and terror. Having for years baffled and overreached us,*

3181 *Falkland Islands Monthly Review* September, 1969. Martin Garcia Island in the Rio de la Plata basin is located in the mouth of the Uruguay River and on the Uruguay side of a median line drawn between Uruguay and Argentina. An agreement of 1973 awarded the island to Argentina as an exclave, as long as it was used only as a nature reserve.
3182 *Gore to Granville March 1, 1852* in *FO 6/167/206.* The first official Spanish position in Buenos Aires since 1810.
3183 Pascoe 2022 vol.3 p.9 citing *AGN VII, 131, doc.19.* See June, 1852 below.
3184 *Hansard HC Debate 30 April 1852 vol.121 cc 5-7*
3185 *Vernet to Bourke (sic) April 14, 1852* in *AGN VII, 132 doc.367*
3186 His route would seem to have been Buenos Aires to Rio de Janeiro, to Ireland, to Cornwall.
3187 *HL Deb April 29, 1852 vol.120 cc1278-83*

injured our commerce, mocked our diplomacy, and defied our arms, he seeks an asylum now in the only country in the world where he can be sure that it will not be converted into a prison."... " [3188]

"... on his arrival at Plymouth he was waited upon so soon as he reached that town by the Port Admiral, Sir John Ommanney, and the other heads of departments; that by a Treasury Order his luggage was allowed to pass through the Custom House without the usual mode of examination, and that facilities were afforded him of a very peculiar nature, in consequence of the position that he was supposed to hold. ..." [3189]

Among Rosas's personal effects is a large file labelled '*Importante sobre Malvinas*'. This file contains all the official documentation of 1829 –1832 between Woodbine Parish and Buenos Aires; papers relative to the visit by USS *Lexington* to Port Louis in December, 1831; Argentine correspondence with the US Government; the basis of Argentina's Falklands claim; items from periodicals; a report presented by the Consul General of France Mr. Vins de Payssac; books; details of Madariaga's seizure of Port Egmont in 1770; details of the withdrawal of the British garrison in 1774, and other state papers. [3190]

April 30th, in Parliament, the Chancellor explains the nature of the welcome extended to General Rosas. [3191]

"Whatever may be the character or the exploits of General Rosas, he is, at least, an individual with whom this country has often been in negotiation, and, if I am not incorrectly informed, one with whom our gracious Sovereign has entered into treaty. Therefore, it must be obvious to the House that General Rosas occupied a very important position, and has been placed in very important relations with the Crown and the people of England." [3192]

May 7th, Luis Vernet submits a claim to Lord Palmerston, demanding compensation for purported losses in the Falkland Islands after January, 1833.

"... your Memorialist having now obtained the necessary funds to enable him to undertake a voyage to this country has arrived here, and has it now in his power for the first time, to represent his claims personally to the British Government. ... [3193] *Your Memorialist, therefore, humbly prays, that your Lordship will be pleased to direct that the value of your Memorialist's Lands and property, which have been granted to Mr. Lafone, and sold by him to the Falkland Island Company, may be paid to your Memorialist, and that the residue of your Memorialist's Property, with its rights and privileges may be restored to him, or that your Lordship will be pleased to grant such redress to your Memorialist as, under the circumstances, may be reasonable and just."* [3194]

3188 *Cambridge Chronicle & Journal* Saturday April 24, 1852

3189 *Hansard HC Debate April 30, 1852 vol.121 cc 5-7*

3190 Rozas 1948. Leaving in such a hurry, it begs the question why Rosas thought it necessary to carry all this with him. Leverage, perhaps. Seemingly unused, after Rosas's death the file went back to Buenos Aires, where it was consulted during the dispute with Britain during the affair of the map in the 1880s. Also, apparently, part of the copious documentation provided to Dr. Adolfo Saldías for his *Historia de Rosas* 1881 and *Historia de la Confederacion Argentina* 1892. Not now to be found in Argentina's archives. *cf.* 1884

3191 Any conspiracy theorist worthy of the name could quickly leap to the conclusion that Rosas was made welcome in England because of some deal struck during the negotiations for the 1850 treaty. A safe haven should he ever need one. In exchange for Argentina dropping its claim to the Falklands perhaps? All that can be said with any certainty is that, if there was such an arrangement, there is no surviving evidence of it.

3192 *Ibid.* Woodbine Parish went to visit Rosas, who lived quietly as a farmer near Southampton until his death. *cf.* 1877 His body was repatriated to Argentina during President Menem's détente with the UK. *cf.* 1989

3193 Vernet's initial arguments ran to twelve pages. With additional information added in the years that followed, the final document ran to thirty-eight pages. The initial *memorial* can be found here - https://falklandstimeline.files.wordpress.com/2023/05/vernet-to-palmerston-memorial-may-7-1852.pdf

3194 *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43*. Also *AGN VII 131 DOC.24*

"I came to England, and stated my whole case to Her Majesty's Government and asked most humbly a compensation for that property, and for the large sums I had expended in the improvement of the Islands by my colonisation, and which showed, those Islands, which had been previously considered as unfit for the abode of man, were on the contrary very valuable... First: The value of 10 stone houses, which during ten years served for the accommodation of the British Governors, their employes (sic) and garrison (from 1834 to 1844), and from part of which houses the British Government draws rent to the present time. Second: Sixty hunting horses, ... £100 each... Third: 800 ox hides ... 30s each. Fourth: The beef belonging to the bullocks from which these hides proceeded, and which was selling at the Island at 2d per pound. Fifth: About 400 head of tamed (fat) bullocks. Sixth: About 1000 fur seal skins. Seventh, and lastly – Interest on the amount of this property from 1838, when the Government admits it had given orders to pay me..." [3195]

May 31st, at San Nicolás de los Arroyos in the province of Buenos Aires, an agreement is reached for the organisation of the Argentine provinces following the departure of Rosas; Justo José de Urquiza named Supreme Director of the Confederation. All the provinces sign, however that of Buenos Aires does not ratify the accord. [3196]

"The immediate aftermath of the fall of Rosas was ... another series of confrontations between Buenos Aires and the provinces." [3197]

June 2nd, in England, Vernet's submission is referred to the Secretary of State for the Colonies; *"I am directed by the Lord of Malmesbury to transmit to you, in original, a Memorial and its enclosures, from Mr. Lewis Vernet, whom the records in the Colonial Department will show to be the individual by whose means the Government of the Argentine Confederation attempted to obtain a footing and to establish a settlement in the Falkland Islands some years ago..."*

In the Falklands, cattle losses to trespassing whalers increase.

"... this is the very locality now resorted to by marauders for stealthily obtaining beef, not merely for present supply, but for committing so wholesale a destruction as will enable them to salt down sufficient for a long cruise. It is pretty well known that in numerous vessels from England, America, and other places, a stock of salt is taken out for the purpose of curing a supply of provisions at the expense of these islands." [3198]

Twelve allotments of one acre each are distributed to the Falkland Islanders; *"for the working classes to build on or cultivate gardens."*

"Gardening of root vegetables and select leafy greens caught on among Stanley residents, eliminating the need to distribute food rations to settlers." [3199]

June 19th, from Liverpool, the *Record* sails for the Falklands; *"... with Mr Hicks (FIC Storekeeper), shepherds and artisans and their families on board. A report to the (FIC) Board noted "the total number of persons sent out by the Directors is forty-five; the number of Cheviot sheep forty-six, together with one Galloway bull, and six shepherd dogs"..."* [3200]

3195 Vernet 1858. Vernet put his claim at £14,295 plus interest; taking it to £28,000. In 1835, Sir Graham Hammond had valued Vernet's property at less than £1,000.

3196 Art.1 declared that the Federal Pact of 1831 would be the fundamental law of the nation. Art.2 that all the provinces were equal. The province of Buenos Aires objected to most of the 15 articles, but in particular to Art.2. It had no intention of sharing power, any more than it had of sharing the foreign commerce income tax collected at the port of Buenos Aires. See July, 1852, below.

3197 Rock 1987 p.121

3198 *Atlantic and transatlantic: sketches afloat and ashore* L.B. Mackinnon. 1852

3199 Blair 2023 p.60 citing the *Blue Book* of 1852

3200 Wilson 2016. Also on board was a prefabricated storehouse, and twelve prefabricated cottages.

June 23rd, from Montevideo, Samuel Fisher Lafone replies to Vernet's letter of March. Lafone denies that there was any formal agreement between them. [3201]

June 24th, from the outskirts of Buenos Aires, Supreme Director Justo José de Urquiza declares the House of Representatives dissolved. He personally assumes executive powers over the whole country. [3202]

July 1st, at Stanley, *Amelia* anchors.

July 5th, in London, George Lambert, one of the sealing crew of the wrecked *Belleville,* detained by Vernet in August, 1831, writes to Lord Malmesbury. [3203]

> *"During the occupation of the Falkland Islands by the Argentine Republic Louis Vernet was the Governor, residing at Port Louis in Berkeley Sound being as I understand in breach of the Agreement whereby England and Spain evacuated the islands –*
>
> *At this time I had the misfortune to be there, having been left at the Western end of the islands with a boat;s crew for the purpose of catching Seals, whilst our vessel proceeded to Tierra del Fuego, where she was totally lost leaving us in a measure dependent on hunting for maintenance. –*
>
> *At lenghth (sic) we were compelled to sun in our open whaleboat a distance of nearly 200 miles to the colony under his direction, to endeavour to purchase provision. –*
>
> *No sooner had we reached there, than we were surrounded by his soldiers, made prisoner and placed in confinement for having taken seals among the islands. ...* [3204]
>
> *After being subjected to many sufferings and privations and imprisoned 6 weeks we were at lenghth (sic) released — all our property the hard earnings of years of toil & endurance was confiscated or rather taken by said Vernet, my portion of which amounted in whalebone and seal skins to about £300 in value.*

From the USA, *Hudson*, commanded by Hiram Clift, accompanied by a tender, *Washington,* under by Capt. Eldridge, set sail again for New Island in the Falklands. [3205]

July 15th, Paraguay and Argentina sign a treaty setting the borders between the two nations.

July 26th, in Argentina, Justo José de Urquiza orders a Constitutional Congress to prepare a new Constitution based upon that of the USA. To be held at Santa Fe.

"The Argentine nation was established in 1852 following the North American model: a sovereign people agreed to a political contract, embodied in a constitution, which established the republic and the rule of law and guaranteed civil and political liberties, which applied to "all men of the world who wish to inhabit Argentine soil"." [3206]

August 3rd, in London, Luis Vernet writes to the directors of the Falkland Islands Company, seeking support in his dispute with Samuel Fisher Lafone.

3201 See January, 1853.
3202 See September 11, 1852, below.
3203 *Lambert to Malmesbury February 27, 1852* in *PRO FO/6/502.* Presumably, Lambert was aware of Vernet's presence in London. The letter appears to have gone unanswered. *cf.* August, 1831
3204 At this point in his letter, Lambert refers to an incident some six months earlier than August, 1831. *cf.* February, 1831
3205 *New York Times* May 23, 1854. *Hudson* had been sealing around the archipelago in 1849. *cf.* 1853
3206 *Malvinas, Tierra Irredenta* Luis Alberto Romero in *Seul* June 11, 2023

"Thomas Havers, Secretary of the FIC, wrote on 4 August, in answer to Vernet's letter of the 3 August to say on behalf of the Directors of the Company that "it is not in their power to interfere between you and Mr. Lafone any more than they could do so between you and H.M. Government." That was unsurprising – Vernet's contract with Lafone had never been formalised; no money had changed hands, so Lafone owed Vernet nothing…" [3207]

August 8th, in Argentina, Justo José de Urquiza travels to Santa Fe for the Constitutional Congress.

August 9th, in Buenos Aires, a Treaty of Friendship, Trade and Navigation between Portugal and the Argentine Confederation is signed.

September 6th, in London, Luis Vernet submits further documents in support of his claim. These include allegations that Samuel Lafone "*usurped"* his interests and acted as an "*obstacle*" to the speedy colonisation of the Islands.

"It would appear now, that Mr Lafone has entirely forgotten this (1837) contract, and that he first entered into correspondence with the British Government or with Governor Moody in 1843 … and that by concealing his true position with regard to Your Memorialist, succeeded in obtaining from the British Government a grant of the Cattle and of a Tract of Land to which he has now given the name Lafonia." [3208]

September 9th, from London, Vernet's demands for compensation are sent by the Colonial Office to the Falklands, for comment by Governor Rennie in the Falkland Islands. [3209]

September 11th, in Argentina, while the Confederation's Director, Justo José de Urquiza, is in Santa Fe, the previously dissolved House of Representatives reconvenes. They reject the proposed constitution; declaring the Province of Buenos Aires a independent nation. [3210]

September 25th, in London, Luis Vernet requests an interview with the representatives of the Hanseatic States, using a letter of introduction supplied by Argentina's representative in the UK, Manuel Moreno.

"He hoped to obtain the support of the Hamburg authorities in his pursuit of compensation,…" [3211]

September 28th, at the Falklands, *Record* anchors.

October 8th, in London, the Colonial Office inform Vernet that his *Memorials* have been sent to the Falkland Islands for comment by the Governor. [3212]

October 16th, in Buenos Aires, published in the *British Packet & Argentine News,* is a letter from James Hewett, master of the barque *Rosalind*, recommending the Falkland Islands to visitors.

> *"Everything can be had there as regards repairs, such as covering boards, stanchions, bulwarks, masts, rudders, repairing or new, and caulking, and often boats, all at a very low rate. Good provisions – that is, beef – in any quantity, may be obtained,…*
>
> *This port lying at no great distance from Cape Horn, why should not ships, in case of accident, run in instead of proceeding to the River Plate or Rio for repairs, when they can be done at Stanley at least 30*

3207 Pascoe 2022 vol.3 p.12 citing *Havers to Vernet, AGN VII, 132, doc.353*

3208 Quoted in Pascoe 2022 vol.2 p.488 fn.2

3209 Thereby introducing a delay of some months. Vernet took the opportunity to visit his place of birth, Hamburg, and there petition that government to support his claims against both Britain and the USA. It would seem likely that the Colonial Office were aware of these attempts. *cf.* May, 1853

3210 See October, 1852, below.

3211 Pascoe 2022 vol.3 p.14

3212 *Elliot to Vernet October 8, 1852* in *AGN VII 131, doc, 26*

per cent less, besides saving so much time... The only thing which is wanting there is a small colonial bank..."

In the Falklands, Charles Gleadell arrives to work as a shepherd for Capt. Packe. [3213]

October 18th, at Stanley, a girl, Evelina Jane, is born to William Horton Smyley and his wife, Catherine.

In Buenos Aires, Valentin Alsina is elected to head the State of Buenos Aires.

November 5th, in the Falklands, HMS *Swift* arrives at Port William, en-route to Rio de Janeiro and England, with orders; *... to obtain every information relative to the deposit of Guano at those Isles, the quantity, quality and best mode of shipment... and also if possible to obtain a sample to forward to the Admiralty."* [3214]

"From enquiries I made at the Settlement it was the general opinion that the Guano was not of a very good quality due to the dampness and swampy nature of the land around it, although there appears from all accounts to be a large supply of it." [3215]

November 20th, at Santa Fe, a Constitutional Congress prepares a new Constitution.

"... in the year 1852, on request of Justo Jose de Urquiza ... the official historian Pedro de Angelis developed a draft National Constitution whose Article 5... established "The same Assembly shall dictate the necessary measures to enforce the rights of the Republic over the Province of Tarija, the Malvinas Islands and part of the Strait of Megallan, illegally occupied by foreign forces." It is clear that in 1852... Argentina had not given up its sovereignty over the Falklands/Malvinas. ... " [3216]

December 14th, from Rio de Janeiro, Rear-Admiral Henderson writes from Britain's South American Station to inform the Admiralty that large guano deposits have been identified in the Falklands; notably at New Island.

"... Governor Rennie request(s) I will send him a vessel to convey an authorised agent of the Government to New Island where the Guano is found to establish regulations for its shipment, and for collecting the 5/- duty which he is to levy on its Exportation." Henderson complains that he has only six vessels at his command, and is required to keep up to half of them on-station near the River Plate; *"I trust their Lordships will see the difficulty I have in meeting Governor Rennie's wishes..."* [3217]

December 30th, in the Falklands, a boats crew from Stanley arrive at New Island.

"... were at that time in port there, the brig "Nautilus," Captain Stockdale, loading with guano, and the "Byron," Captain Holt, American whaler." [3218]

3213 Gleadell's descendants can still be found in the Islands.
3214 *Alman to Henderson November 22, 1852* in *FO 78/31*
3215 *Ibid.*
3216 Kohen & Rodriques 2017 p.162. *cf.* 1854
3217 *Ibid.*
3218 *FO 78/30*

1853 – January 6th, now in Paris, Luis Vernet responds to Samuel Fisher Lafone's letter of June, 1852.

"... in a letter written in his best copperplate hand, reproaching Lafone for "withdrawing" from their agreement, and considering himself entitled to half of £10,000 from the sale of Lafone's Falklands Assets to the Falkland Islands Company (FIC). Lafone himself, however, denied that the agreement had ever been finalised, and though finely-written copies of the contract survive in Vernet's papers, none bear (Lafone's) signature." [3219]

January 8th, from Stanley, Governor George Rennie writes to Sir John Packington.

> *"In the year ending December 1851, 17538 tons of shipping from England and foreign parts entered this harbour; in the year ending December 1852, there were 22,024 tons, being an increase of 4,486 tons. This augmentation necessarily produces a demand for produce, labour and stores of every description, affording remunerative profits to the storekeepers and employment at good wages to the labouring classes, unskilled 3s to 5s per diem, and skilled 6s to 10s. Provisions are abundant, and at reasonable prices. ... The grumbling and discontent manifested by a portion of the enrolled pensioners settled here has subsided since the notification to them by the Secretary-at-War that they were at liberty to return to England if they preferred to do so, nor has even one of them up to the present time availed himself of the permission. ..."* [3220]

"There is another small Establishment, which was formed for the convenience of our commerce in a different part of the world, which I must not pass entirely unnoticed . I refer to the Falkland Islands, which have long been claimed as belonging to the British Crown, but of which no use had been made, until it was determined to occupy them, when you held the office of Secretary of State for the Colonies. The object of doing so was to create a small Settlement where passing ships might refit and obtain supplies, for which these Islands, notwithstanding the inclemency of their climate , were considered to be peculiarly well adapted , from their possessing admirable harbours, and lying directly in the track of vessels returning to this Country from Australia or the Pacific by Cape Horn . They also afforded considerable resources in the herds of wild cattle which are to be found upon them. These cattle, being the property of the Crown, were sold to Mr. Lafone, an enterprising merchant , engaged in the commerce of the River Plate ; and a considerable sum of money, to be paid in instalments, was thus placed at the disposal of the Government for the improvement of the Islands. During the five years and a half of your Administration, few measures of importance were adopted with reference to the Falkland Islands. A portion of the money paid by Mr. Lafone for the wild cattle, was expended in sending out a small party of military pensioners, (who have not proved by any means such good settlers as those sent to New Zealand) ; and an arrangement was concluded by which a regular communication will be established between this Country and the Falkland Islands , by means of a small vessel plying between these Islands and Monte Video, where it will meet the mail-steamer from England every alternate month . A charter has also been granted to a Company formed by Mr. Lafone, to which he has transferred the undertaking, which was previously entirely in his own hands, and he has thus obtained the assistance of additional capital for the enterprise in which he has embarked. Hitherto this Settlement has not advanced rapidly; probably it could hardly have been expected to do so, unless a larger expenditure had been incurred than was considered advisable, in carrying out and establishing emigrants there; but it seems now to have taken root, and will , I trust, do well hereafter. Already, from the growing up of some little trade , and from land having been brought into cultivation , it has been found possible, in the last four years , to discontinue the issue of rations from the Government stores to the inhabitants, who can now purchase for themselves what they require. Those of the

3219 Pascoe 2022 vol.3 p.14
3220 Quoted in *Brazil, the river Plate, and the Falkland Islands, with the Cape Horn Route* William Hadfield 1854

working-class can find ample employment at good wages, and ships which call there can depend upon obtaining the most necessary supplies . The advantages offered by this place of call on the long voyage home, are beginning to be known, so that each year more vessels are stopping there on their way; and, from the great increase of the trade with Australia and California, it is probable that the Port of Stanley (the name of the Settlement) will be more and more resorted to. I am informed that a ship wanting water or provisions, in the run home from Cape Horn, may save not less than from ten days to a fortnight, by calling at Stanley instead of Buenos Ayres or Rio de Janeiro, besides having no port charges to pay. In proportion as more vessels call for supplies , these will be furnished more abundantly and better, since private enterprise will be sure to meet the demand, which the greater resort of shipping to the port will create. It is to be hoped also that the means of refitting ships that have suffered in the stormy passage round Cape Horn, which already exist to some extent, will be increased in the same manner, and that a plan of establishing there a patent slip, which was at one time under consideration, with a view to its being undertaken by the Government, will be taken up as a private speculation." [3221]

January 11th, Rennie also writes to the Colonial Office with regard to the fishery; *"... that systematic depredations are, and have been for many years, carried on by Whaling Vessels belonging to the United States,.."* [3222]

> *"These vessels pay no regard to the established Regulations respecting fisheries, but capture Whales actually within our harbour and kill the seals on land. When it is calculated that each of these vessels with its tender stow at least 400 to 500 tons of oil the average price of which is £30 per ton, and the usual time required to obtain it from two to three years, it will be seen that the coasts and harbours of this colony are robbed to the extent of 10 or £15,000 per Annum; one of the Whalers completing her cargo annually."* [3223]

In particular, Rennie notes that Hiram Clift, an American Captain prosecuted in 1849 for stealing wild cattle, has returned to the Islands in the *Hudson*.

January 12th, Rennie responds to a Colonial Office request of September, 1852 regarding Luis Vernet's demands for compensation. Rennie dismisses any suggestion of misconduct by Whitington or Lafone, but accepts that Lieut. Smith had made use of Vernet's horses during his time in the Islands.

January 26th, now visiting Hamburg, Luis Vernet writes a letter to Argentina's Minister in Washington DC, asking that all proceedings in his private claims against the USA regarding the Falkland Islands are suspended.[3224]

January 27th, at Stanley, a Canadian barque, *Actaeon*, puts into port. Declared unfit, she is scuttled. [3225]

February 10th, the *New York Times* announces the discovery of large quantities of guano in the Falklands.

From Buenos Aires, Norberto Riestra travels to London to pay off 24 years of arrears to Barings Bank. [3226]

February 18th, in Hamburg, Luis Vernet submits a petition asking the Hamburg Government to intercede on his behalf with both Britain and the United States regarding his compensation claims. [3227]

3221 *The Colonial Policy of Lord John Russell's Administration* Earl Grey 1853 vol.2.
3222 *FO 97/35/82.* Also *FO 78/30.*
3223 *Ibid.*
3224 Pascoe 2022/3 vol.3 p.15 citing *AGN VII 131, doc.35*.
3225 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.*
3226 Mulhall 1878. *cf.* 1824 & 1828
3227 In Hamburg, despite being born there,Vernet discovered that his citizenship had lapsed following a 1843 change in local laws.

"I, the undersigned most obedient supplicant, have been resident in Buenos Ayres for 36 years. Since, however, I was born in Hamburg, a member of a well-known family of this place, and have never given up my rights of abode in this my native city, I entertain the hope of being permitted to enlist the good offices and the aid of a Most Noble and Most Wise Council in the following matter, which is for me of the greatest importance.

In the year 1828, employing very considerable financial means of my own with the support of several friends, including in particular Hamburgers, I established a colony on the Falklands Islands. This colony was essentially founded upon the catching and slaughter of the wild cattle to be found in large numbers on those islands, subsequently also upon the taming of them and upon agriculture. The undertaking had unspeakable difficulties to contend with. But unshakeable courage and endurance were my aid and once the greatest obstacles had been overcome in the course of the first few years, the colony really began to flourish. A number of colonists, principally Germans, had gathered; the foundation for agriculture had been laid; there were numerous tamed herds; the catching of the wild cattle was well underway; houses and trading posts had been established. Ships of all nations put in to the island and were furnished with provisions. The enterprise also acquired a legal foundation once I had received from the government of the La Plata States, to whose territory the islands indisputably belonged at that time, a concession and a formal appointment as Governor from those states over the islands.

Then the burgeoning colony suddenly suffered a ruinous blow from the navy of the North American Free States. I had not been prepared to admit – in accordance with my duty – North American Merchantmen to engage in fishing on the coasts of the islands. After repeated vain warnings I was actually obliged to expel three ships of that nation. The result of that was, that while I myself had travelled to Buenos Ayres, the North American corvette of war "Lexington", Capt. Silas Duncan, attacked the colony, destroyed its principle establishments and took my agents and most of the colonists away as prisoners. The negotiations that arose between the government of Buenos Ayres and the United States concerning this attack became protracted.

In the meantime, at the instigation of the government of Buenos Ayres, though only as a private citizen and after the resignation of my office as governor, in September 1832 I took new settlers, and the materials necessary for the restoration of the colony, to the Falklands Islands.

Now as early as January 1833 the islands were taken possession of by the English government by the warship "Clio", Capt. Onslow. However, my private property was respected, and I remained in undisturbed possession of the colony.

Unfortunately, still during my absence, and since no English occupation force had been left, some of the gauchos and Indians taken there by me provoked an uprising in August 1833, murdered my agents and compelled the remaining colonists, together with the women and children, to flee to one of the smaller islands. The colony did however receive help in January 1834 from Marine troops from the English warship "Challenger", and order was restored.

By now, due to such repeated disasters, my fortune was utterly exhausted, and for several years I attempted to procure the means for new settlements and a comprehensive establishment. Until the year 1838, however, my private property was respected, and Lieutenant Smith, who initially functioned as the English commander, and later his son, regarded themselves, in respect of the still existing establishment for the catching of the cattle, and as regards the still existing buildings and stores, merely as my agents, a relationship which repeatedly received the factual recognition of the British authorities.

However, once Lieutenant Smith had been replaced by Lieutenant Locay in 1838, the latter communicated to me that it was nowhere possible to take note of private property which remained to me on the islands.

Thus all the investments made by me on the Falklands Islands with such an expenditure of time, money – I devoted some 50,000 pounds to the colony – and energy were destroyed by force and taken from me.

For many years I have made claims both to the American and English government regarding the compensation due to me. It was, however, impossible until now to pursue those claims with the necessary vigour, partly because the former dictator of the La Plata States, Don Manuel Rosas, did not wish to see such claims cause an increase in the political entanglements that had in any case occurred; partly because I was prevented from proceeding to Europe for the purpose of making personal solicitations.

Since the last change of government in Buenos Ayres this has become possible for me. My claims upon the two governments mentioned have been renewed with vigour, and I hope I may say that they have not had an unfavourable reception.

Now it may easily be possible that for the favourable success of my solicitations from both the North American and the British governments, the intercession of a Most Noble and Most Wise Senate might be of the greatest value for me. At this moment, however, if I may be permitted an opinion, the time for such an intercession has not yet arrived. But in order to be prepared in advance for the possibility that the negotiations may take such a turn, I believe myself justified in allowing myself to take the liberty of requesting that the diplomatic agents of the High Senate be provided with the necessary instructions to lend me their assistance in the name of the Hamburg government, if I should soon have occasion to request such assistance.

I hope I may justify this my most humble request by reference to my Hamburg birth and citizenship. I also hope I may count upon the laws recently passed in Hamburg regarding citizenship not being a hindrance to me; partly because it would not be just to apply them retrospectively to me; partly because it is a question in interceding with governments whose laws citizenship is judged according to birth; partly because the interests of several Hamburg trading houses are concerned in this matter.

Accordingly, I may be permitted, for the confirmation of the above mentioned condensed account, to submit as enclosures no.1 my pro memoria recently handed to the English government, and as enclosure no.2 a printed volume containing all official negotiations. I request that they may soon be returned brevi manu.

Finally, I humbly beg to observe that in the year 1835, after the repeated oppressions upon the colony had ruined my financial resources, I reached an agreement with my creditors, among whom are several Hamburg trading houses, remitting to them half of the amount obtained by my compensation claims. The newspaper sheet from Buenos Ayres in enclosure no.3 contains information upon this.

I most humbly submit a plea for your Magnificences' most high and wise worships may be graciously pleased to direct the Hamburg Consul-General to the Royal British Government and the Hamburg Consul-General to the United States of North America to intercede on my behalf with the aforesaid governments in the name of a Most Noble and Most Wise Senate, in any claims I may address to them in this matter, and to support the same as may be possible." [3228]

3228 *Luis Vernet: ein Hamburger kolonisiert die Falkland-Iseln* Jürgen Sielemann in *Hamburgishe Geschichts- und Heimatblätter* 1987 vol.11. Translation in Pascoe 2022/3 vol.3. Appendix A, A37 p.706. *cf*. May 7, 1852

March 4th, Hamburg's government respond to Vernet's request. [3229]

> *"... inform the supplicant that while a formal official intercession of the Hamburg representatives cannot take place, the latter are to be informed of his case in order to be of assistance to him with the authorities according to the progress of his claim."*

"This supplication was discussed at the session of the Hamburg Senate on 4 March 1853. Unfortunately for Vernet, the members of the Hamburg Senate, however High and Might they may have been, declined to offer him any support." [3230]

March 9th, in London, the Home Office write to the Foreign Office with a suggestion that the Falkland Islands should be; *"... adapted for the formation of a Penal Settlement."* [3231]

From Stanley, Governor Rennie notifies the Colonial Office that one of the settlers, the son of Juan (Jean) Simon, has an outstanding claim against Luis Vernet.

> *"... a bond formerly given by Vernet for one thousand six hundred Spanish dollars together with certain dollar notes, formerly issued by Vernet, for a sum altogether of four hundred and fifty nine Spanish Dollars: making a total for bond and notes of two thousand and fifty nine Spanish Dollars."* [3232]

March 19th, in London, the Duke of Newcastle (Secretary of State for War and the Colonies) informs Lord Palmerston at the Foreign Office that the Falklands had previously been deemed, "*not suitable*" for a penal settlement; *"... it is not advisable at present to entertain proposals for the formation of any new Convict Colony."*[3233]

March 31st, in receipt of Rennie's complaint regarding US whalers, Lord Newcastle asks Palmerston whether; *"... any communication has been made to the American Government on this subject."* [3234]

April 21st, the War and Colonies Office and the Foreign Office agree, that a complaint should be made to the American Government regarding the depredations of US whalers and sealers at the Falklands. [3235]

April 22nd, from London, an instruction is sent to the British representative in Washington DC, noting that no reply had been received to the request of February, 1850; *"... in regard to the adoption of measures for warning American Shipowners & Shipmasters engaged in the South Sea Whale Fisheries that the destruction by them of Wild Cattle on the Falkland Islands is an unlawful act."*

> *"Such proceedings of American citizens are not in harmony with the amicable Relations existing between the Govt. of Britain & the United States and HM gov feel confident that they cannot fail to meet with the disapprobation of the American Govt.; but it is essentially necessary that they should be put a stop to, and while HM Govt. are of course bound to protect British Territory from aggression or from acts of spoliation, and ... cannot but be sensible that the force which it is their intention to place at the disposal of the Govt. of the Falkland Islands may lead to collisions and provoke an unfriendly feeling between the Subjects & Citizens of the two countries. It is with a view to prevent such a result that I now instruct you to bring these facts again to the notice of the Govt. of the United States with*

3229 Pascoe 2022 vol.3 p.708
3230 *Ibid.* vol.2 p.16
3231 *Palmerston to Merivale March 9, 1853* in *FO 78/31*
3232 *CO 78/43. cf.* 1858
3233 *FO 78/31*
3234 *FO 97/35/82*
3235 *FO 97/35/98.* Also *FO 78/31*

whom you will concert in a friendly spirit as to the best mode of checking, in the United States, the evil design of these marauders." [3236]

May 1st, in Santa Fe, Argentina, the Constitutional Convention of 1852 sanctions a new Constitution. [3237]

May 15th, with thirteen provinces of the Confederation having ratified the proposed Constitution, it is adopted. Buenos Aires stands apart. [3238]

"Argentina split into two independent countries. The 13 provinces retained the former official name, the Argentine Confederation, and transferred the federal capital to Paraná,.." [3239]

May 9th, in Washington DC, Britain's representative, Sir John Crampton, presents Britain's complaints to the US Secretary of State, William Learned Marcy.

"I am ... instructed by HM Govt. to State to the Govt of the US that continued depredations are made by American Ship Masters on the Falkland Islands, and that the fines imposed upon them have not prevented them from repeating their acts of spoliation. I have the honour to enclose herewith the copy of a letter from the Colonial Office enclosing a report from the Governor of the Falkland Islands in which some recent instances of the facts complained of are stated in detail...." [3240]

May 10th, in London, a House of Lords debate considering the future of the transportation of criminals to British outposts, dismisses the suggestion that the Falklands would be a suitable location.

"It was possible that the Falkland Islands might absorb a few dozen convicts with tickets of leave; and perhaps some arrangement might be made with the company that had undertaken the improvement of those islands, to afford employment there even to one or two hundred convicts. But this could not be carried far: what was wanted was a place to send convicts to where they might form only a small proportion of the population. The more widely they were dispersed, and the more numerous the population of the place they were sent to, the better;.." [3241]

May 26th, in the United States, a public notice is circulated by the State Department.

"Depredations at the Falkland Islands. Department of State, Washington, May 26: Official information has been received at this Department that the British authorities at the Falkland Islands having complained to their Government that the wild cattle on those islands are frequently killed, and that other depredations are committed there by persons landing from vessels under the flag of the

3236 Draft in *FO 97/35/100*

3237 The original draft, in 1852, was drawn up by an historian, Pedro de Angelis. His article 5 stated *"The same Assembly will dictate the necessary measures to enforce the rights of the Republic over the Province of Tarija, the Malvinas Islands, and a part of the Strait of Magellan, illegally occupied by foreign forces."* This original draft did not survive the consultation process, and the final Constitution of 1853 made no mention of the Falkland Islands. *cf.* 1994

3238 The State of Buenos Aires remained separate until 1861

3239 Pascoe 2020 p.211

3240 *FO 97/35/106.* While the words '*spoliations*' and '*depredations*' are aired within the note, there is no specific mention of sealing and whaling. The wording of this complaint was subsequently approved of in London.

3241 Earl Grey in *HL Deb 10 May 1853 vol.127 cc1-79*

United States, it is the intention of the British Government to send a force thither competent to prevent a repetition of such acts. Consequently, masters of vessels and other citizens of the United States resorting to that quarter are warned that, if they commit spoliations in the Falkland islands, they will incur the penalties which may be prescribed therefore." [3242]

May 27th, US Secretary Marcy responds to the British complaint.

"*I have caused a Notice to be published... This Notice, which, as you will perceive, warns our Citizens of the penalties they will incur if they commit spoliations in the Falkland Islands, will, it is confidently believed, put a stop to the depredations complained of; since it is my intention at once to send copies of it to the respective Collector of the Customs at New London, New Bedford, and Nantucket…"* [3243]

"... public notice has been given to the masters of American Vessels that Her Majesty's Government have adopted measures for repelling and punishing the illegal proceedings complained of, ..." [3244]

May 30th, at Stanley, John Pownall Dale is appointed Honorary Consul by the country of Hamburg. [3245]

"... maintaining a consulate does imply recognition of the sovereignty of the authority in place. That is why Argentina has never had a consulate in the Falklands. ... In 1952 the Argentine government protested sharply against the presence of a Uruguayan consulate in Stanley, making it clear that Argentina did regard the existence of a consulate as relevant to the question of sovereignty" [3246]

June 28th, in the State of Buenos Aires, Pastor Obligado is elected Governor. [3247]

July 27th, the Argentine Confederation (minus the State of Buenos Aires) and the USA finally conclude a *Treaty of Friendship, Commerce and Navigation*. [3248]

September 20th, in London, the Colonial Office sends Vernet's submissions for compensation, together with other correspondence forwarded by Governor Rennie, to the Admiralty for comments. [3249]

In the Falklands, Governor Rennie copies the official complaint of May 9th and the US circulation of May 26th, to US Commercial Agent, William Smyley.

3242 Reproduced in *The New York Times May 28, 1853.* This circulation only concerned the taking of cattle and other livestock, mainly pigs. *cf.* 1854

3243 Copy in *FO 97/35/112*

3244 *Crampton to Clarendon May 30, 1853* in *FO 97/35/110*

3245 A request for Dale to be so recognised was forwarded in a letter from the Foreign Office on June 23, 1853 in *FO 78/31/6475.* A *Royal Exequatur* was eventually issued. As the USA's Commercial Agent, William Smyley, never received an *exequatur*, and therefore it would seem that John Pownall Dale was the first official Consul approved for the Falklands. That the country he represented was that of Hamburg would suggest that while Vernet's petition to that government had largely fallen on deaf ears; it had, perhaps, drawn attention to the colony. *cf.* September, 1852. Dale was Samuel Lafone's brother-in-law and one-time manager of Lafone's interests in the islands. For a biography, see - https://www.falklandsbiographies.org/biographies/dale_john

3246 Pascoe 2020 p.228. Worthy of note that Argentina dates its recognition as a country to the appointment of Woodbine Parish as British Consul to the United Provinces in 1823.

3247 In office June 28, 1853 until December 21, 1858. Unrecognised by the Argentine Confederation (Provisional Director/President Justo Jose de Urquiza). Paraguay appointed a consul to the State of Buenos Aires in 1855, but there appears to have been little other diplomatic recognition.

3248 First mooted in 1823 the two countries had fallen out in 1832 following the *Lexington* raid on Puerto Louis in December, 1831 (see above). Diplomatic relations had not resumed until 1844. No mention of the 1832 dispute during the negotiations for this treaty. *cf.* 1831, 1832, 1839, 1844, 1866 & 1884

3249 Twelve months later, the Admiralty would claim never to have received any papers. *cf.* September, 1854

October 24th, Smyley responds to Rennie.

> *"I acknowledge the Receipt of your favour Enclosing certain Ordinances passed by your self & your legislative Council of Stanley, likewise a copy of Complaint said to be Reported to the department of State at Washington by the British authorities of Vessels under the American flag Committing depredations. I beg leave to inform your Excellency that I have received no Communication to that Effect from my Government but have seen such a report in one of the American newspapers of the 26th of March. Further more I know of no depredations Committed here by American Vessels but the Ship Hudson Capt Cliff which damage was paid for & Settled here and that is near four years ago ... I must Still further Remind you that nine out of ten are not aware that the Falklands is now inhabited & what is Still more the great length of time the islands Remained nu(e)tral to all the World it Can hardly be Expected but Some Such depredations would be Committed...."* [3250]

October 26th, at Stanley, the Acting Colonial Secretary acknowledges Smyley's letter on Governor Rennie's behalf; *"... as Her Majesty's Government have not yet recognised you in any public capacity, the Governor does not feel it to be his duty to enter into any discussion with you on the subjects connected with the exercise of the powers confided in him as administrator of the Government of this colony."* [3251]

October 31st, HMS *Serpent* arrives in the port at Stanley.

"... (a) really decent-sized little town, with its church, exchange, two public houses called hotels, and two billiard-rooms, with a port full of vessels at anchor, including two large American ships; all had put in for repairs, for which the port affords every facility... Nine hundred thousand acres of land in these islands are sold or leased, and three million acres remain to be sold." [3252]

November 21st, in Britain, the Department of Science and the Arts informs the Privy Council Committee (Trade and Plantations) that the granite samples taken from the Falkland Islands; *"... are shown to be probably identical with the Granite found at Jaldanha Bay on the Coast of Africa..."* [3253]

November 26th, in Buenos Aires, *The British Packet & Argentine News* reports:

> *"It may be assumed that the seigniority (sic) of the Falkland Islands has been definitively forfeited;..."*

December 31st, at Stanley, the SS *Great Britain* arrives in the harbour en-route from Melbourne to Britain; with 141 crew and 199 passengers.

"After proceeding about three miles, we took a pilot on board, and passed through a narrow entrance less than 200 yards in width, and at 10 am the Great Britain dropped her anchor opposite the township. The harbour is an excellent one and extremely easy of access. The township possesses some good buildings of stone and brick, and there are about 500 inhabitants. .. The total absence of trees or shrubs gave it a wild and desolate appearance." [3254]

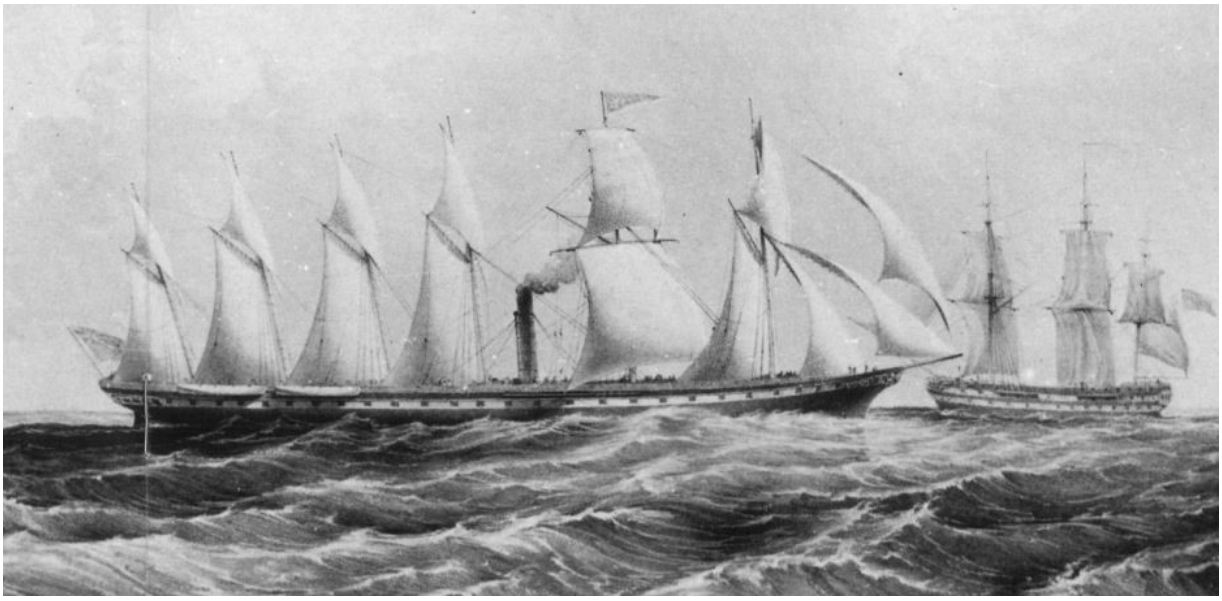
3250 *Smyley to Rennie October 24, 1853* quoted in full in Pascoe 2022 vol.2 pp.654-655 citing *Despatches from United States Consuls in Port Stanley, Falkland Islands 185101906* in *National Archives and Records Service, General Services Administration, Washington DC, 1960. cf.* September, 1849 & 1854.

3251 Copy in *Despatches from United States Consuls in Port Stanley,...* 1960. A version, in Smyley's hand, in Pascoe 2022 vol.2 p.655. Smyley's copy was sent to Washington DC for the information of the US Secretary of State.

3252 *Three Years Cruise in the Australasian Colonies* by R. E. Malone 1854. The population was put at 500.

3253 *FO 78/31.* This committee was commonly known as the Board of Trade.

3254 Anonymous article in the *Bristol Mirror* February 24, 1854 p.6. In full in Pascoe 2022 vol.2 pp.656-657



1854 – January 3rd, from Stanley, SS *Great Britain* sails for England.

January 9th, in the Falklands, deserters from US whalers *Hudson* and *Washington* arrive in Stanley. There they allege that their captains have authorised the killing of a large number of wild pigs – on which they'd been living for some eight months. [3255]

January 12th, Governor Rennie sends a message to Britain's naval base at Rio de Janeiro requesting assistance. On being made aware, William Smyley writes to the Commodore of the US squadron claiming that it is Rennie's intention to oppose American fishing rights; describing Rennie as, *"the despotic power which here exists."*

"William Smyley took charge of the six deserters, as always when destitute American mariners arrived, and wrote to Secretary of State William L. Marcy and to Commodore W. D. Salter, in command of the United States squadron on the Brazil station in the USS Savannah, asking for a US warship to be sent to Stanley, saying Governor Rennie's intention was "to break up our fishery and Commerce about these Islands". [3256]

January 24th, in the Islands, Hilario Cordoba murders Jean Cousteau, a 19 year old Basque labourer.

At Rio de Janeiro, Rear-Admiral Henderson receives reports from the Admiralty regarding the exchanges between London and Washington DC. He orders HMS *Express* (Commander Boys) to the Falklands to assist the Governor in policing the archipelago.

"... HM Brig Express was sent by Rear Admiral Henderson to the Falkland Islands to afford the Governor any assistance he might desire as for some time past American Whalers have been in the habit of landing in that part of the Falkland Islands belonging to the Falkland Islands Company, and killing the cattle, pigs and occasionally valuable rams and sheep which had been brought from England at a great expense for the purpose of breeding;..." [3257]

February 5th, Rear-Admiral Henderson receives the January 12th message from Rennie.

3255 *Hudson's* commander, Hiram Clift, already had a previous conviction for taking cattle belonging to Lafone.
3256 Pascoe 2022 vol.2 p.658
3257 *Gore (Montevideo) to Clarendon March 30, 1854* in *FO 97/35/120.*

"I had, however, a month previously, despatched Her Majesty's sloop 'Express' to the Falklands, in anticipation of her presence being beneficial to the colony generally; and although I knew Commander Boys would, under his general instructions, co-operate with the Governor... I sent him, by the return packet, separate orders to meet the particular case." [3258]

February 17th, also in Rio de Janeiro, US Commodore Salter passes Smyley's letter to Capt. William Francis Lynch commanding USS *Germantown*; with an order to *"keep a watchful eye on the interests of our citizens ... (but) ... to avoid as far as possible all causes of collision."* Ill-informed as to the situation the Falkland Islands, Capt. Lynch seeks further information from the US *charge d'affaires* to Argentina, John Strother Pendleton, who by coincidence is at the Brazilian port.

> *"As to the right of British sovereignty over those islands, my commanding officer could not, when I left him, instruct me;.. Neither could the United States charge d'affaires to the Argentine Republic advise me. But he assured me that the government to which he was accredited had not, and would not, relinquish its claim to these islands."* [3259]

"Previous to leaving Montevideo for the Falkland Islands Captain Lynch... talked very generally relative to the right which Great Britain had to the possession of the Falkland Islands and questioned the propriety of the Vessel under his Command saluting the British flag on arriving at those Islands, of this I was appraised by Mr. Pendleton the United States Charge d'Affaires to the Argentine Confederation who was here at the time... and whose opinion was requested on the subject by the Commander of the United States Corvette, but which Mr. Pendleton declined giving to him." [3260]

February 18th, at Port Stanley, HMS *Express* anchors in the harbour.

February 20th, Falklands Colonial Secretary James Longden issues warrants for the arrest of Captains Clift and Eldridge. Governor Rennie writes to Commander Boys, formally requesting his assistance in detaining the *Hudson* and *Washington*. HMS *Express,* with a Constable on board, sails in search of the two American ships.[3261]

February 26th, at New Island, Commander Boys finds *Hudson* and *Washington*.

> *"Taking with me Lieutenant Bushel, ... I accompanied the constable, first on board the ship and then the schooner, where he read his warrant and arrested both captains. After a little conversation with the captain of the ship, he informed me that he was responsible for both vessels. I asked him for the ship's papers, saying he was a prisoner in charge of the constable, and with his ship must go to Stanley to take his trial. No remonstrance was then made."* [3262]

"... HBM sloop Express, Commander Boys, made her appearance, having on board a sheriff with a warrant to arrest Captains Clift and Eldridge for killing 30 wild pigs in August, 1853 – Captain B. having also an order from the Governor to bring both vessels to Port William. He boarded the Hudson, and the civil officer having read his warrant, Capt. Boys read the order of the Governor to take the ship, then demanded of Capt. Clift the ship's papers which he took and kept possession of. On board the Washington the order to take the schooner was first read and the papers demanded and received, and then the civil process was served. ... the next day

3258 *Henderson to Admiralty April 13, 1854* in *FO 97/35/127*
3259 Lynch, quoted in Kohen & Rodríguez 2017 p.163 citing the *Congressional Series of United States Public Documents* vol.1478, p.34.
3260 *Gore (Montevideo) to Clarendon March 30, 1854* in *FO 97/35/122*
3261 *FO 97/35/120*
3262 *Commander Boys to Rear-Admiral Henderson March 17, 1854* in *FO 97/35/122*

Capt. Clift went on board the Express and begged of Capt. Boys not to take the Hudson from her fishing, as they just beginning the best of the season, and offering to go in the Washington with Capt. Eldridge to Port William and abide the event of the criminal process. But Capt. B. said his orders were peremptory. ...” [3263]

February 27th, Lieut. Bushel goes aboard *Washington* with orders to take her into Stanley.

February 28th, Lieut. Scovell boards *Hudson* with similar orders.

“... master of an American whaler, touching at the Falklands, is charged with the slaughter of twenty-two hogs. The commander of a man-of-war which unfortunately happens to be on the station, is employed to arrest the captain, but he does more, he arrests the ship, takes her from her moorings, and brings her into port, as if she had been guilty of the depredations on the swine.” [3264]

March 2nd, in the Falklands, USS *Germantown* arrives off Port William.

> *“... the United States Corvette saluted the British Flag on her arrival at those Islands.”* [3265]

Commander Lynch and William Smyley call on Governor Rennie. Lynch states his purpose, which Rennie records, before providing the Americans with a copy of Secretary Marcy's notice of May 26th, 1853. Lynch claims that the feral pigs had been put on the Islands by US sealers during the previous 30 years and that, therefore, they were not owned by the British. [3266]

> *“I went to see the Governor for the first time, before I knew of the circular (of) Minister Marcy, which I had never heard of ... but the rest, this pretension was far from being regarded as indisputable: I knew our business in Buenos Ayres (and) it was very seriously disputed, and even absolutely denied by the Argentine Government.”* [3267]
>
> *“... the object of his visit was to know for what cause and by what authority the two whaling Captains and their vessels had been brought into this Port. I made him acquainted with the nature of the charges against them, and showed him a copy of the Notice issued by the US Secretary of State, Mr. Marcy,.. Captain Lynch denied that the notice applied to this case, he then denied that Her Majesty had any right to the cattle or pigs on these islands (compensation never having been made to the original introduction of them) and consequently Her Majesty could not dispose of them to the Falkland Islands Company; that the warrant was illegal, and in words to this effect said that he could not permit his countrymen to be fined. I asked him if he likewise denied the British Sovereignty of the Islands – to this he replied that he was neither prepared to admit or deny it, but asserted the right of Americans to occupy the shores or harbours of the islands which were uninhabited in this group and to use them for whaling, sealing.. or other fisheries...”* [3268]

“Lynch was surprised, and commented in his letter to Commodore Salter that before he saw the note he had decided to seize Rennie as a pirate and take him to face judgement, but in the face of the compliant attitude of the US authorities, he had decided to desist.” [3269]

3263 *The New York Times* May 23, 1854. The seizing of the ships would become a bigger issue than the arrest of the captains.
3264 *Empire (Sydney)* September 15, 1854.
3265 *Gore (Montevideo) to Clarendon March 30, 1854* in *FO 97/35/122-123*
3266 At one point in the discussion Smyley, apparently, claimed that the pigs were his.
3267 Lynch quoted in Caillet-Bois 1982 6th ed. p.401
3268 *Rennie to Lord Newcastle March 16, 1854* in *FO 97/35/158.* See also *Lynch to Rennie March 10, 1854* in *FO 97/35*
3269 Pascoe 2020 p.213

US Commander Lynch asserts; *"The United States, ample in their domain, prefer no claim to these inhospitable rocks and bogs; but their government will, if I mistake not, maintain the unrestricted rights of its citizens to use the uninhabited islands of this group for the purposes of fishery, & refreshment of their vessels, & to navigate the bays, & straits & circumjacent seas."* [3270]

> *"Captain Lynch then proposed that I should consent to the depredators and their vessels returning to New Island, compensating them for their loss of time, and Disavow the act of Commander Boys. Seeing that this interview would lead to no satisfactory result … I suggested to Captain Lynch that a conference should be held next morning. Captain Lynch and Captain Smyley having agreed to this, all further discussion was adjourned."* [3271]

March 3rd, HMS *Express* escorts *Hudson* into Port Stanley.

> *"I have the honour to report to you my arrival at this port in company with the American whaling-ship 'Hudson,' in accordance with the request contained in your letter of the 20th February, having sailed from New Island on the 1st instant. The schooner 'Washington' sailed from New Island at daylight on the 28th… under the supervision of Lieutenant Bushell and a party of six men from the 'Express,' …"* [3272]

Washington anchors in Port William.

"… as she passed close under one quarter of the Germantown, the fact that an English officer and some men of war were on board of her was observed, and immediately Capt. Lynch ordered a boat and Lieut. Crosby to go and recapture the schooner, …" [3273]

Having agreed the night before to meet again with Governor Rennie, Lynch cancels the meeting.

> *"… in connexion with the language you had used, which, the more I pondered on it, seemed less and less excusable, determined me to have no personal intercourse with your Excellency;.."* [3274]

Without warning, the US ship-of-war; *"beat to quarters and shotted his guns,"* causing alarm in the town. [3275] Lynch writes to Boys.

> *"… two American vessels have been seized at New Island, and, as I am informed, under most aggravating circumstances, by detachments of officers and men under your command, and subsequently brought into this port. I respectfully ask if the seizures were made on your own responsibility, or whether you acted under orders from Governor Rennie."* [3276]

"Lynch's immediate reaction was to accuse Commander Boys of 'an audacious seizure', 'a quasi-act of war', and 'a violation of the territory of the United States'. Lynch investigated the events closely, displaying his guns within range of both the shore battery and Express and exchanging an acrid correspondence over legal points with both Governor Rennie and Commander Boys.." [3277]

3270 Lynch quoted by J. B. Hattendorf in Tatham (ed.) 2008 p.347
3271 *Rennie to Lord Newcastle March 16, 1854* in *FO 97/35/158*
3272 *Boys to Rennie March 3, 1854* in *FO 97/35*
3273 *The New York Daily Times* May 23, 1854. As no "*recapture*" took place, this may have been a little journalistic licence. See https://falklandstimeline.files.wordpress.com/2018/01/new-york-daily-times-1854.pdf
3274 *Lynch to Rennie March 10, 1854* in *FO 97/35*
3275 *Rennie to Lord Newcastle March 16, 1854* in *FO 97/35*
3276 *Lynch to Boys March 4, 1854* in *FO 97/35*
3277 Hattendorf in Tatham (ed.) 2008 p.347. For an online biography of Lynch, see - https://www.falklandsbiographies.org/biographies/lynch_william

Responding, Commander Boys refers Lynch to Governor Rennie.

"I do not myself see anything in Commander Boys' proceedings which should not be approved: and I shall add my approval to that which has already been expressed to him by the Governor... On the other hand, I cannot but feel that the pretensions urged, and the language held by the American commander, will be viewed with surprise and even indignation by Her Majesty's Government." [3278]

March 5th, the Argentine Confederation adopts a Constitution; confirming Justo Jose de Urquiza as President.

"For the next six years the two governments coexisted uneasily, sometimes engaging in token wars, more commonly resorting to blockades or discriminatory tariffs. If Buenos Aires lacked the military strength to impose itself on the provinces, it continued to receive the lion's share of foreign trade and most of the revenues. In contrast to the city's prosperity, the Argentine Confederation was continuously plagued by acute financial difficulties, its paper money almost worthless from the moment it was printed. After offering favorable terms for commerce, in 1853 Urquiza won diplomatic recognition from Britain." [3279]

March 6th, at Stanley, Governor Rennie writes to Commander Lynch, taking full responsibility for the actions of Commander Boys, who had; *"... acted entirely by my direction and according to the instructions which he received from me;.."* [3280]

> *"I am quite unaware of any harsh steps which have been taken in bringing the two whaling vessels into this harbour; on the contrary... both vessels entered the harbour with the American colours flying. I am, therefore, quite unprepared to admit that either 'outrage' or injustice has been committed..."* [3281]

USS *Germantown* re-positions yet again, to anchor opposite the local Magistrates Court.

> *"... the indecorous and apparently intentional attempt of Captain Lynch to intimidate the administration of justice by getting under weigh from his original anchorage in this harbour and reanchoring his ship immediately in front of the Court House with his tampions out of his guns during the whole day of the trial. That this was his object no one here doubted..."* [3282]

March 7th, at his trial, Capt. Clift, taking responsibility for all the acts of the two ships, admits to killing 22 pigs – in breach of a local ordinance which makes it an offence to kill, *"cattle etc."* The local prosecutor claims that the pigs fall under the *"etc."* and that killing them without authority is punishable by a £40 fine for each animal.

Clift is found guilty and fined a '*mitigated*' £1 for each animal plus costs of £5 16/-. [3283]

> *"The fine was paid in the course of the day and he was discharged."* [3284]

"... the proceedings against the Master of one of the American Vessels went on, notwithstanding the threat of Captain Lynch to stop them by force, the Master pleading guilty, paid the fine imposed, and sailed for the

---

3278 *(Rear-Admiral) Henderson to Admiralty April 13, 1854* in *FO 97/35/127*
3279 Rock 1987 p.121
3280 *Rennie to Lynch March 6, 1854* in *FO 97/35*
3281 *Ibid.*
3282 *Rennie to the Duke of Newcastle May 23, 1854* in *FO 6/502/408.* '*Tampion*' was a wooden stopper for a gun muzzle.
3283 Reports varied. *The Empire* put the original fine at £880 (£20 for each pig killed), but then went on to claim that, following threats from the American man-of-war, this fine was reduced to £27. *The New York Times* reported the total cost at £22, and claimed that the USS *Germantown* had fired shots over the roof of the Magistrates Court building. Capt. Lynch recorded the fine as being £30. Pascoe (2020 p.213) says it was exactly £27 16s. *cf*. 1871 & 1872
3284 *Rennie to Lord Newcastle March 16, 1854* in *FO 97/35*

United States to report the affair to his Government and to claim damages for the breaking up of his voyage."[3285]

Still unhappy, Commander Lynch writes to Commander Boys.

> *"... by assuming the responsibility of seizing two American whaling-vessels, may exonerate you with your own Government, if it be inclined to disregard the law of nations. But in a few days, I will send you copies of depositions, on oath, of the masters and chief officers of the two vessels, which will show that you evinced much zeal, and no little disregard of right, in the execution of what you have been pleased to term "a painful duty"; I will then call upon you for explanation…"* [3286]

"Baulked in impressing the magistrate he concentrated his fire on Captain Boys." [3287]

Lynch writes again to Governor Rennie.

> *"Your assumption of a grave responsibility may exonerate Commander Boys with his own Government, but cannot screen him from the consequences of a gross violation of the law of nations. I hold him as guilty of a quasi act of war... my spirit writhes under an indignity as yet unredressed."* [3288]

March 8th, Governor Rennie invites Commander Lynch to meet him. Meanwhile US Commercial Agent William Smyley seeks information from the Governor regarding the whale fishery.

> *".., will Your Excellency please to inform me whether you consider the Whale Fishery prohibited, or whether you acknowledge it mutual, will you please to inform me on the subject that I may inform Captains Clift and Eldridge before their departure."* [3289]

March 9th, Rennie responds to Smyley.

> *"... as regards the precise limits to which Great Britain will limit the right of Whaling I have no instructions. I will, however, communicate with Her Majesty's Government on the subject by the first opportunity."* [3290]

March 10th, Capt. Lynch "*unceremoniously*" declines to meet with Governor Rennie. Instead he sends a long letter giving his views on the proceedings of Boys, the Magistrate, and upon the rights of Great Britain.

> *"Your Excellency prohibits sealing on these islands, and... you say that you will communicate with Her Majesty's Government "as to the precise limits to which Great Britain will limit the rights of whaling". ... The United States have not thought proper to take possession of this group of islands, but have used them for a longer period and more extensively than all other nations combined, for the purposes of fishery, and refreshments of their ships crews; and until I am further instructed, I will not without a struggle permit that right to be invaded."* [3291]

3285 *Gore (Montevideo) to Clarendon March 30, 1854* in *FO 97/35/120*
3286 *Lynch to Boys March 7, 1854* in *FO 97/35.* Lynch's primary complaint appears to have been that the crews of the American ships were threatened with being placed in *irons* should they fail to obey Boys instructions.
3287 Cawkell 2001 p.86.
3288 *Lynch to Rennie March 7, 1854* in *FO 97/35.*
3289 *Smyley to Rennie March 8, 1854* in *FO 97/35*
3290 *Rennie to Smyley March 9, 1854* in *FO 97/35/263*
3291 *Lynch to Rennie March 7, 1854* in *FO 97/35.* See 1774

"Lest Rennie should take him on this Lynch followed it with a verbal message that he would hold no further correspondence with him" [3292]

To Commander Boys, Lynch sends depositions from the Master, Chief Mate and Second Officer of the *Hudson*, and the Master of *Washington*, noting; *"The United States' Commercial Agent to these islands not being recognised by the authorities of this place, I have taken this deposition as a precautionary measure..."* [3293]

March 14th, following advice from Smyley, *Hudson* and *Washington* leave the Falklands; despite Lynch's assurances that he will protect them. [3294]

"... the vessels returned immediately to the United States in order that their Owners might immediately set on foot a legal demand against the Governor and the Commander of the "Express" for interruption of their voyages." [3295]

March 16th, Governor Rennie sends a despatch to London, detailing events and seeking advice.

> *"On the 8th instant I had a communication from Captain Smyley to know whether I prohibited the Whale Fishery, or whether it was to be considered neutral, meaning I suppose within the waters of the Falkland Islands. On this subject I do not feel sufficiently instructed and I request Your Grace's commands with reference to the limits within which they may be captured by Foreigners."* [3296]

On the same day, Lynch writes to US Assistant Secretary of State, Ambrose Dudley Mann.

> *"A 'Notice' from your department, warning the crews of our whaling ships of the consequences of committing "Spoilations" in these islands, has been used as a pretext for a high-handed proceeding by the Authorities thereof. Except from our Consul at Montevideo, I never heard that the British claim to these islands was admitted, certainly not to the exclusion of our countrymen from the islands, and I confess to you, that if the notice (which took me by surprise) did not give a color to the claim, I would have made examples of the Governor and his associates in the iniquitous proceeding. I take the liberty of writing to ask you exert your influence to withstand the claim, if our Government be not already pledged. If the sovereignty of these islands is to be vested in G. Britain, the right to the fisheries, with all the correlatives thereof, should be secured by treaty. But that Government is not to be trusted. I have written in full to the Navy Department, respecting the late outrage perpetrated under the cloak of legal process, and to it, I refer you."* [3297]

March 18th, ar Stanley dockyard, Hilario Cordoba, found guilty of the murder of Jean Cousteau on February 24th, and convicted on March 10th, is executed by hanging.

In the State of Buenos Aires, a Congress considers its own constitution.

"It was debated by a special congress in March and April 1854, and the speeches made during the debates were printed verbatim in the separate Buenos Aires Diario de Sesiones, a copy of which is in the provincial archives

---

3292 Cawkell 2001 p.86.

3293 *Lynch to Boys March 10, 1854* in *FO 97/35.* A rambling correspondence followed, with Boys responding on March 11, and Lynch writing again on March 13 in a letter that ended with Lynch all-but accusing Boys of piracy. Lynch threatened that, should matters have come to a fight, Boys' ship would have been "*utterly demolished*."

3294 It appears that Smyley had suggested that they should submit a compensation claim as soon as possible; and that returning to their sealing operations was likely to put them at a disadvantage. See July, 1854 & 1871

3295 Lynch in *Comercio del Plata* quoted in *FO 6/502/418*

3296 *Rennie to Lord Newcastle March 16, 1854* in *FO 97/35/158*

3297 *Lynch to Mann March 16, 1854* in *Despatches from United States Consuls in Port Stanley, Falkland Islands* 1960

in La Plata. Martín García island was mentioned, and various matters were mentioned that did not appear in the final text adopted on 8 April 1854, but no speaker mentioned the Malvinas." [3298]

March 20th, USS *Germantown* finally leaves Falkland waters.

"The Commercial Agent of the United States (Captain Smyley) however speaks openly and confidently of her return, or of the arrival of the American Commodore in his frigate the 'Susannah' from Monte Video." [3299]

March 27th, *Germantown* arrives at Montevideo.

> *"I learn from Commander Barnard, of the 'Vixen,' that since the 'Germantown's' return to Monte Video, reports have been circulated by Commander Lynch, tending to throw discredit on the British navy, and to lead people to suppose the 'Express' had been awed into submission by his (Lynch) threats."* [3300]

April 1st, in the Falklands, American barque, *Courier*, is wrecked at Bull Point. Captain Bernsée and crew find their way ashore.

In London, a bill is presented to the Court of Chancery alleging *'fraudulent representation'* against Lafone. [3301]

"FIC's Third Annual Report was scathing about management in Montevideo and the Falklands. Information had been frequently demanded and repeatedly promised but no accounts were rendered, no inventories provided and cattle numbers on FIC lands had been greatly exaggerated (!). Dale was dismissed in 1853 and replaced by Thomas Havers. Lafone himself was replaced as his accounts were in arrears. In thirty months FIC received £264 from Lafone and 4,000 hides were processed, far from the 20,000 of the business plan." [3302]

April 4th, in Montevideo, and still fuming, Lynch writes an article for the *Comercio del Plata*; a copy of which he sends to Governor Rennie.

> *"… the presence of the Germantown must certainly have caused the mitigation of the fine since instead of about £100 Sterling, as had been anticipated, there was imposed a lesser fine of £30 which was paid."* [3303]

"I have acquainted the magistrates who convicted the Captain's with this implied successful intimidation which they indignantly deny. The fine was in reality mitigated at the insistence of the Falkland Islands Company who did not press for high penalties." [3304]

April 7th, HMS *Express* sails for Montevideo.

April 8th, the State of Buenos Aires adopts its own Constitution; setting out territorial limits. [3305]

3298 *Diario de Sesiones de la Sala de Representantes de la Provincia de Buenos Aires 1854* Buenos Aires 1865

3299 *Rennie to Lord Newcastle April 7, 1854* in *FO 97/35/284*

3300 *Henderson to Admiralty April 13, 1854* in *FO 97/35/127*

3301 After 3 years of negotiation, the court case was abandoned and the issue went to arbitration. A settlement in 1854 effectively ended Lafones' connection with the Falklands. *cf.* Tatham (ed.) 2008 p.326

3302 Wilson 2016

3303 Attached to *Rennie to Duke of Newcastle May 23, 1854* in *FO 6/502/408*

3304 *Ibid*

3305 Despite some fanciful claims to the contrary (see below), the new Constitution of the State of Buenos Aires clearly did not include the Falklands. Not in anyone's wildest fantasy can one thousand miles be viewed as 'adjacent'. Whatever claims Buenos Aires had had to the archipelago, they had been abandoned.

"Art.1 Buenos Aires is a State that, until it delegates its sovereignty to a Federal Government and does so expressly, freely exercises its sovereignty internally and with respect to the outside world.

Art.2 ... its territory extends north-south, from the stream of Means to the entrance of the range at sea, bordering by a line west-southwest, and west to the foothills of the mountains, and in the northeast and east with the Parana and Plata rivers, and the Atlantic, the islands of Martin Garcia understanding and ***adjacencies*** *to its river and sea shores."*[3306]

"So those born in the Falklands, occupied by England today, they are born in the territory of Buenos Aires, and they are even if born under British rule, if they claim their birthright, while the State of Buenos Aires (does) not desist of its claims to sovereignty of those islands." [3307]

"The Malvinas islands, although not explicitly mentioned, are included in this definition." [3308]

"... the text says that the boundaries of the republic are to the west the mountain range, to the north-east the rivers Paraná and Plate, and to the east the Atlantic. As regards "islands adjacent to its river and sea coasts", there are some small islands off the coast of the province of Buenos Aires, south of the town of Bahía Blanca, and a few tiny islands in the River Plate, but the Falklands cannot be said to be adjacent... So the 1854 constitution of the State of Buenos Aires did not include the Falkland Islands." [3309]

April 13th, from Rio de Janeiro, Rear-Admiral Henderson commanding the British Station, forwards to London correspondence relative to the; *"... depredations committed around the coasts of those (Falkland) Islands by American shipmasters; the co-operation of Commander Boys, of the 'Express,' with the Governor of the island, for bringing those persons to justice; and the conduct of the commander of the United States corvette 'Germantown' on that occasion."* [3310]

In the Falklands, near the settlement of Darwin, Capt. Bernsee attempts to sell the wreck of *Courier*, with its contents, at an unregulated auction attended by US Commercial Agent Smyley. Governor Rennie detains and prosecutes Captain Bernsée for offences under the *Auctioneer's Ordinance*. Convicted, Bernsée, unable or unwilling to pay the penalty of £100, is imprisoned. [3311]

3306 My emphasis. Confusingly, Art.6. Included as citizens not only those born in Buenos Aires, but in all the provinces of the '*Republic*'. Recognised by the USA in 1854. Paraguay, Portugal, Brazil and, obscurely, Sardinia in 1855. Later by France, Bolivia Sweden, Norway and Denmark. And our old friend Hamburg. Arguably by the Argentine Confederation on January 8, 1855 with a Convention dealing with military cooperation and the extradition of fugitive criminals.

3307 *Derecho de ciudadania en el Estado de Buenos Aires* Domingo F. Sarmiento 1854. Fanciful nonsense. Although Sarmiento was in exile in Chile, this text examined the issue of Buenos Airean citizenship. Sarmiento returned to be Argentine president between 1868 and 1874; during which time he did not attempt to re-open the question of Falklands sovereignty with Britain.

3308 Kohen & Rodriguez 2016 p.216. These authors appear to be applying a convoluted interpretation of the word '*adjacencies*.' In particular, Rodriguez has argued that the 1865 arbitral award in favour of Venezuela over the islet of Aves, recognised a more flexible meaning than that applied to coastal islands. However, a century later, in *North Sea Continental Shelf Case (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands Judgment of 20 February 1969 International Court of Justice (para.41 p.30)* the ICJ ruled that it was; *"... evident that by no stretch of the imagination can a point on the continental shelf situated say a hundred miles, or even much less, from a given coast be regarded as 'adjacent' to it."*

3309 Pascoe 2020 pp.211-212

3310 All the correspondence appears to have been gathered together and published, at the least for internal use, as – *Depredations of United States Whaling Ships – recent occurrences in consequence* 1854 in *FO 97/35* at *127*.

3311 *FO 6/502/457*

"... in consequence of a pressing despatch from Sir John Packington, No.30 of 22nd December, 1852, urging me to take every means in my power to reduce the expenses of this Colony and to " increase the local revenue," I enacted in July 1853, as one of the most unobjectionable modes of allowing the latter, an Auctioneers Ordinance imposing a licence fee of £20 on Auctioneers, and a percentage on the Goods sold. Five of the Colonists, namely Mr. Dean and the agent of the Falkland Islands Company, are licensed, and as the illegal sale for which Captain Bernsée was fined, took place on the Company's lands within a few miles of their principal Settlement on the South part of this Islands (East Falkland) I could not overlook an offence wilfully committed, which if left unpunished, must have given good cause for the dissatisfaction of the licensed Auctioneers or for the remission of the fees which they had paid for their licences..." [3312]

May 13th, in London, Governor Rennie's letter of March 16th, arrives at the War and Colonial Office.

May 19th, Britain's Foreign Office notifies its delegation in Washington DC of the events surrounding the visit of USS *Germantown* to Stanley.

"I have to inform you that the order issued by the Governor of the Falkland Islands to bring the Ships as well as the Captains to Port Stanley is held by Her Majesty's Government to have been a measure not justified by the necessity of the case, even if it were right in law. Her Majesty's Government also regret that the Commander of the "Express" should have interfered in the execution of the warrant when no resistance was offered to the Civil Power, and his demand of the "Ships Papers", ... acts not justified by the conduct of the American Master who was ready to submit himself to the warrant, and to accompany Commander Boys to Port Stanley... Her Majesty's Government admit therefore that there were errors in judgement on the part of the British Governor and of the British naval commander, for which some satisfaction is due to the Government of the United States.

On the other hand, however, Her Majesty's Government are convinced that the intemperate language and conduct of the captain of the "Germantown" cannot be approved by the Government of the United States. That officer should have known that an appeal might with confidence be made by his own Govt., to that of HM and he should not have assumed a menacing tone and attitude. This misunderstanding however has arisen in a distant quarter from the errors of officers acting without the sanction of their respective governments; and I have only to express the hope of Her Majesty's Government that mutual (unreadable) will lead to an immediate and satisfactory adjustment of the matter." [3313]

May 26th, at Port Stanley, in a letter to the Governor regarding the prosecution of Captain Bernsée, US Commercial Agent William Smyley demands Rennie; *"... inform me where you consider the Colony is or how far it extends from Stanley,.."* [3314]

May 27th, Governor Rennie complains that Smyley is questioning the extent of British sovereignty.

3312 *FO 6/502/484*

3313 Draft letter in *FO 97/35/142*

3314 *Smyley to Rennie May 26, 1854* in *FO 97/35/333*. Having been warned regarding illegal sealing activities when he commanded the *Benjamin de Wolf* in 1839, Smyley knew that British sovereignty covered the whole archipelago. Worth noting that his appointment by Washington as US Commercial Agent in 1850 had been for the 'Falkland Islands' – all of them. This letter, however, may be seen to suggest that Smyley had been complicit in the organisation of the unlicensed auction outside of the colony's chief town.

May 29th, in London, Rennie's question regarding the limits of the Falklands whale fishery is considered.

> *"... in Lord Clarendon's opinion, is a matter which must depend upon the extent to which HM Govt., are prepared to assert their right to sovereignty and jurisdiction over the several islands composing the Falklands group, and is a point for the decision of the Duke of Newcastle."* [3315]

May 30th, from Port Stanley, Governor Rennie again complains that Smyley is causing trouble; circulating rumours that the United States of America intend to plant its flag on West Falkland Island. [3316]

June 7th, in London, Lord Newcastle responds to Rennie's March 16th letter.

> *"Your despatch and its enclosures were only received on the 13th ultimo, and they have been since under consideration of the proper Departments of Her Majesty's Government, but the points which they raise are of so much importance as to require deliberation before the proper instructions are conveyed to you. I wish … without in any way anticipating those instructions, to impress on you the necessity of great caution in the enforcement even of undoubted rights in those parts of your Government which are wholly unsettled and unoccupied."* [3317]

June 9th, in Britain's House of Commons, a question is put to MP Frederick Peel by George Dundas regarding whether; *"... any official information has been received regarding a fracas said to have occurred at the Falkland Islands, in which the American whaler Hudson was seized by Her Majesty's ship Express..."*

> *"Mr Peel said the Governor of the Falkland Islands had reported pretty fully on the circumstance to which the honourable gentlemen had referred, and that report was at present under the consideration of the proper parties in the Government. He was informed that in all probability the matter would be satisfactorily adjusted, and that no unpleasant differences were likely to arise with the United States. In the present state of the transaction, however, it would be inconvenient to produce the correspondence."*[3318]

In the Falklands, as a result of the threats from the Americans, and concerns regarding Russian raiders, a volunteer defence force is established for the Islands; known locally as the *Stanley Volunteers*.

"Hong Kong was not the only British possession to undertake frantic preparations against Russian assault in early 1854. The Falkland Islands, Vancouver Island and New South Wales and Victoria in what is now Australia, also strengthened their defences and appealed to London for additional protection." [3319]

June 12th, in London, the War and Colonies Office is reorganised. Secretary of State for the Colonies is Sir George Grey.

June 14th, arriving back in the USA, Captain's Clift and Eldrige submit claims for compensation in relation to the seizure of their ships at the Falkland islands for $39,000. [3320]

June 15th, in Stanley, on receiving news of a death in the family, Governor Rennie requests to either be relieved or granted leave; having been on the Islands for 7 years; *"... which is a year longer than the usual term."*

3315 *FO 97/35/279.* Lord Newcastle was Minister for War and the Colonies.
3316 *FO 97/35/316*
3317 *FO 6/502/429*
3318 *Morning Chronicle Saturday June 10, 1854*
3319 *The Crimean War in Imperial Context, 1854 – 1856* Andrew C. Rath 2016. Sadly, I have no further information.
3320 Pascoe 2020 p.213. See May, 1771, below.

"Sir George Grey would be disposed to comply with his present application. But before taking that step, I am to state that Sir George Grey would be glad to be favoured with Lord Clarendon's opinion whether in this peculiar case it would be open to any objection, as being liable to be misconstrued into a disapproval of Governor Rennie's conduct, and to operate unfavourably in the discussions which are pending with the Government of the United States..." [3321]

June 22nd, the *New York Times* reports British Parliamentary business:

> *"On the notice book, is a motion for an inquiry into the seizure of Americans at Falkland Islands."*

July 1st, in Washington DC, in receipt of the reports and complaints as to Rennie's seizure of the American ships in February, US Secretary of State Marcy writes to the British delegation in Washington.

> *"When you referred in a conversation with me not long since to some occurrence at the Falkland Islands, I had not examined the Papers relating thereto which had been received here at the navy dept. I have since examined them, & much regret to find that they disclose acts on the part of the British Authorities there towards some of the Citizens of the US of a very grave character which it is my duty to call the attention of HM Govt. I cannot believe it will uphold the conduct of those authorities, or be disinclined to repair the injuries which our Citizens have sustained. ...*
>
> *I regret to see the misuse which has been made of the notice I gave to our whaling ships of the intention of the British Authorities to proceed against trespassers on the Falkland Islands. This notice said nothing about the sovereignty of them: while it claimed no right for the US, it conceded none to Gt. Britain or any other Power, and certainly furnished no (...) for the unjustifiable acts here complained of. ...*
>
> *Should the fact, however, be admitted that these islands were British territory, the treatment of the American ships must be considered as exceedingly hard. A still graver matter of complaint is the pretension set up by these authorities to exclude our citizens from fishing and taking whale in the waters about these islands. This right they have long enjoyed without its being questioned.*
>
> *I cannot believe that the British Govt., directed its authorities at the Falkland Islands to set up these extraordinary pretensions, or will uphold the assertion of them."* [3322]

July 10th, from Washington DC, Britain's representative, John Crampton, sends Marcy's complaints to London.[3323] Documents accompanied by a claim for $39,000 on behalf of the vessel's owners. [3324]

August 10th, in the Falkland Islands, Captain Bernsée applies to Governor Rennie for release from his imprisonment.

> *"Having commuted the penalty of £100 imposed on Captain Bernsée to one half, namely £50, which he declined to pay, I intended in conformity with that concession, to release him at the end of three months, being the half term of the imprisonment to which he was liable for default of payment of the original fine. On the 10th instant when two months and a half had lapsed, I had an application from him through one of the Magistrates stating his anxiety to proceed to Monte Video in an English*

3321 *FO 6/502/431.* Note of October 10, 1854
3322 *Marcy to Crampton July 1, 1854* in *FO 97/35/295*
3323 *FO 97/35/283.* Crampton had taken over as head of the British Mission in Washington in 1852 having been Secretary to the Legation there from 1845.
3324 Moore 1906 vol.1. *cf.* March & September, 1854 & 1871

Schooner about to sail for that place, and begging that he might be permitted to go. On the same day I signed an order for his release with express understanding that as he had no business here to detain him he should leave the Islands, and his passage was arranged … I was surprised to learn that Captain Bernsée had resolved to remain here, and that he was daily haranguing some of the disorderly characters generally to be found about the Grog Shops… vaunting what would have been done had an American Ship of War come here before his release from prison, and what still would be done when one should arrive."

Rennie threatens Bernsée with deportation under the *Aliens Act*. [3325]

August 15th, reported in the *Geelong Advertiser & Intelligencer* of Victoria

"The fracas as Falkland Islands is likely to be settled in the one proper way, vis. by payment of compensation to the American captain whose ship was arbitrarily seized by an English ship of war, against the law and usages of nations."

On the same day, Sir George Grey forwards to the Earl of Clarendon, an opinion from the Queen's Advocate; … *as to the distance from the Coasts of the Falkland Islands within which Her Majesty's Government are legally justified in preventing foreigners from Whale and seal fishing."* [3326]

August 17th, Capt. Bernsée leaves the Colony.

August 24th, Commander Lynch and the USS *Germantown* return to Berkeley Sound.

"At 10 o'clock Captain Lynch accompanied by his first Lieutenant, whom he said he had brought as a Witness, came to the Office and desired to see the Governor. In conformity with his instructions, Mr. Longden stated that his Excellency considering the unpleasant termination if his former intercourse with Captain Lynch, declined to grant him a personal interview, but any questions he might wish to put would be answered in the Office. Captain Lynch replied that he was sent here to investigate into the imprisonment of an American Citizen, Captain Bernsée, and that his orders were to see the Governor, and that it was inconsistent with the dignity of the United States that he should communicate with Subordinates. Mr. Longden replied that every respect would be paid to the dignity of the United States, but that it was necessary for the Governor to consult his own dignity also. Captain Lynch said that he must see the Governor, that he had been sent here to inquire into this case only,– that the former case was before the two Governments and had no relation to this,– that he could not accept explanations from Mr. Longden or Mr. Rennie one being the Secretary and the other the son of the Governor; and he again asked that his request for an interview with his remarks, might be conveyed to His Excellency. Mr. Rennie undertook to do so and asked Captain Lynch at the same time if he had anything to say respecting his former visit. Captain Lynch answered he had nothing to say…" [3327]

Governor Rennie declines to see Capt. Lynch until an explanation of his previous conduct is offered.

"Captain Lynch then said, "What am to do? How can I get the information I require? The United States have a right to demand it from the highest authority." Mr. Rennie said that he had no doubt that if there was any information requiring certification, the Governor would certify it; but added that he said this on his own authority as he had no instructions on the point. Mr. Longden then stated that he should be happy to take down any questions that Captain Lynch might wish to have answered, and the latter then asked that the

3325 *FO 6/502/457*
3326 *FO 97/35/312.* See September, 1854.
3327 *FO 6/502/461 – 468*

following questions and remarks might be submitted to the Governor, and he would send an Officer at eleven o'clock tomorrow morning for the answers... "First – to know why Captain Bernsée was seized? Second – to know why an exorbitant fine was endeavoured to be extorted from him? Third – why he was detained almost 3 months in prison." Waiving all question of the Governor's right of jurisdiction over places remote from this Settlement, by the Law of Nations no shipwrecked person who does not molest any one (by force, I mean) becomes a guest of the civilized one where he is wrecked, and is not amenable to its local enactments. The Law of England has been transgressed in this case by imposition of an excessive fine. The Law of Nations and the Law of hospitality have been violated, and an insult offered to the American peoples. "This has nothing to do with the former question and no personal feeling should enter it, I being sent here to investigate this case only the imprisonment of Captain Bernsée."..." [3328]

Governor Rennie declines to answer the questions put by Lynch, but sends him a copy of the court notes and ordinances under which Bernsée was convicted.

> *"This ordinance as well as every ordinance in force in the Falkland Islands has received the approval and confirmation of Her Majesty's Government."* [3329]

August 25th, in London, the Foreign Office instruct Minister Crampton in Washington to protest to the Secretary of State regarding the language of William Smyley, the US Commercial Agent at the Falklands. [3330]

At Stanley, an officer from *Germantown* leaves a letter at the Governor's office demanding confirmation that Bernsée has left the Islands. If no such confirmation is forthcoming Lynch adds; *"... let me entreat you in the name of humanity to have, before the hour I have named, the Women and Children removed from the houses in the rear of your Battery."* [3331]

Colonial Secretary Longdon informs Lynch that Bernsée sailed on the 17th for Montevideo.

> *"... His Excellency repels with the utmost indignation the implied supposition that any threat from you, or hostile steps that you might contemplate could in the least degree make him swerve from the course which he would have felt it to be his duty to take, had Captain Bernsée still been in confinement or under any other circumstances whatsoever..."*

Lynch acknowledges the information, and announces that he; *"... will proceed with all despatch to report to my Commander in Chief."*

August 26th, *Germantown* sails from Port Stanley.

August 31st, in London, the Admiralty expresses an opinion to the Colonial Office that, following the, *"... unbecoming language used by Capt. Smiley the U. States Commercial Agent with regard to the authority exercised by Great Britain over those Islands;"* a ship of war should visit the Islands as often as possible. [3332]

September 2nd, in London, British Foreign Secretary, Lord Clarendon, notes:

> *"I require Mr. Marcy to deliberately consider, on the reading of the letters Captain Lynch, which must be in the possession of the Government of the United States, if such language and attitude are consistent with civilized nations ... Finally, to prevent any error possible, Her Majesty's Government*

3328 *Ibid*
3329 *Ibid*
3330 *cf.* 1850, 1851 & 1855
3331 *FO 6/502/471*
3332 *FO 6/502/420*

holds that it will not allow the destruction of brown cattle in the Falkland Islands, nor any other depredations by foreigners, irrespective of their nationality, and that it will be against any person who committed such spoliations, according to the provisions of colonial laws...”[3333]

September 4th, also in London, Luis Vernet complains to the Colonial Office that he has not received any response with regard to his submissions for compensation. [3334]

September 6th, the Foreign Office request a decision as to the limits within which foreign sealers and whalers will be prosecuted at the Falklands, in order that the Rear-Admiral at the Rio Station can be informed. [3335]

“Having laid your letter of the 6th instant before secretary Sir George Grey I am directed I am directed to request that you will state to the Earl of Clarendon that the Instructions to be furnished to the Admiral commanding on the North (sic) American Station, with respect to the limits within which Foreigners are to be permitted to persecute the Whale Fishery at the Falkland Islands, should, in Sir George Grey's opinion, be based on the Report of the Queen's Advocate,..” [3336]

September 18th, from Washington DC, John Crampton reports that Secretary Marcy “*disavows*” the language of US Commercial Agent William Smyley, and will send him new instructions.

September 21st, Lord Clarendon responds to the American protest of July. Crampton's instructions are that he is to read it to Secretary Marcy. [3337]

“Her Majesty’s Government had hoped that the promptitude with which they had disavowed the conduct of Her Majesty’s sloop 'Express' in bringing to Stanley the American whaling ships 'Hudson' and 'Washington' on account of a charge preferred against the commanders of those ships of having committed depredations on one of the Islands of the Falklands Group would have been met by the Govt. of the United States in a corresponding spirit, and that the Government of the U. States would have shown no less readiness to disavow the language and conduct employed by the Commander of the United States Corvette 'Germantown' in his communications with the Gov. of the Falkland Islands and the Commander of Her Majesty’s ship 'Express'. … so far from adopting this course, he (Marcy) entirely ignores the friendly explanation…

I cannot conclude... without expressing my surprise that Mr. Marcy should appear to call in question the right of Great Britain to the sovereignty of the Falkland Islands. Her Majesty's Government will not discuss that right with another power, but will continue to exercise, in and around the islands of the Falkland group, the rights inherent under the law of nations in the territorial sovereign, and will hold themselves entitled, if they think fit, to prevent foreigners, to whatever nation belonging, from fishing for whale and seal within three marine miles of the coast, or from landing on any part of the shores of the Falkland Islands for the purpose of fishing or killing seals.

Furthermore, and to prevent all possibility of mistake, Her Majesty's Government declare that they will not allow the wild cattle on the Falkland Islands to be destroyed, or other depredations to be committed on the islands by any foreigners to whatsoever Nation they may belong, and that all persons committing any such depredations on the Islands will be proceeded against under the enactments of the Colonial Laws.”

3333 Quoted in Groussac 1910 p.59. *cf.* 1871
3334 His papers had been sent to the Admiralty for comment, but the Admiralty denied ever receiving them.
3335 *FO 97/35/319*
3336 *FO 97/35/322*
3337 *FO 97/35/353.* Also quoted on Moore 1906. *cf.* 1871

September 27th, from Washington DC, unaware of Clarendon's response which is en-route, Secretary Marcy instructs the US Ambassador in London to file a claim for compensation against the British Government.

> *"Vessels of the United States visiting the Falkland Islands have in them "customary privileges," which ought not to be abridged by arbitrary decrees of the British Government."* [3338]

"The American Secretary of State ordered a claim for indemnification; but this does appear to have been rendered. In his note to the British Government he also appeared to call into question the validity of British sovereignty over the Falklands group; but he later denied the intention." [3339]

October 5th, Britain's Colonial Office writes to the Admiralty with regard to the issue of territorial limits.

> *"Her Majesty's Government will be legally justified in preventing foreigners from whale and seal fishing within 3 marine miles (or a marine league) from the coast of the Falkland Islands, such being the distance to which, according to the modern interpretation of law and usage of nations…*
>
> *The peculiar configuration of the coasts of this extensive group may render the adoption of this rule to the circumstances of the Falkland Islands difficult: and it is further possible that Citizens of the United States* ***may have acquired*** *in some portions of the group a right of fishing by user, and constant and uninterrupted enjoyment, with full knowledge of Spain, during the Spanish occupation. It will, therefore, be necessary that the Admiral should confer with the Governor of the Falkland Islands before putting in exercise his powers as Commander on this station, by preventing foreign vessels from engaging in the fishery."* [3340]

October 8th, in Washington, Minister Crampton reads Lord Clarendon's letter to Secretary Marcy.

> *"Mr. Marcy made no other remark in regard to the statement of Your Lordships despatch than that he did not recollect that there was any expression in the Note he had addressed to me on the subject (dated the 31st of July last) which could be construed into a denial of the Sovereignty of Great Britain over the Falkland Islands…"* [3341]

"A copy of this despatch was given to Mr. Marcy, the United States Secretary of State, who then told Mr. Crampton that it had not been his intention to raise a discussion on the question of sovereignty. He, however, contended that it was hard to prevent United States fishermen from taking whales in the neighbourhood of uninhabited islands where they had for long done so unmolested, and for making use of what he understood was the progeny of the pigs and other cattle which United States crews had themselves left on those shores with a view to providing themselves with a supply of provisions on their return voyages, a practice which he also understood had continually been resorted to without any objection being made." [3342]

US Secretary Marcy, in a private letter, cancels the instruction of September 27th. [3343]

"It appears, however, that the claim was not presented, owing to the receipt by the United States Minister in London of a letter from Mr. Marcy, dated the 8th October, 1854, which was unofficial and does not appear in the records of the Department of State. This letter was written in consequence of the receipt by Mr. Marcy of

3338 Quoted in Wharton (ed) 1887 p.65
3339 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
3340 *FO 97/35/372.* My emphasis. A nautical mile is equal to 1.15078 land miles or 1.852 kilometres.
3341 *Crampton to Lord Clarendon October 9, 1854* in *FO 97/35/382.*
3342 Orchard 1928. Internal *memo* in *FO 371/12736/324.*
3343 Moore 1906. This letter has never been published.

Lord Clarendon's despatch to Mr. Crampton of the 21st September, 1854, after the despatch of the instructions to the United States Minister in London of the 27th September, 1854." [3344]

October 9th, from London, a message is sent for the attention of Governor Rennie at Stanley.

"The Colonial Office, with the concurrence of the Foreign Office, also sent to the Falkland Islands a despatch instructing the Governor to ascertain in the first place what were the islands over which the undoubted sovereignty of the Crown extended as portions of the Falklands Group, and in the next place whether any recognised user existed on the part of citizens of the United States..." [3345]

October 10th, Sir George Grey writes to the Foreign Office, for the information of Lord Clarendon.

> *"... the limits of this Dependency of the British Crown are comprehended in the East and West Falklands, and a cluster of smaller Islands in the vicinity; but that the configuration of the Colony has hitherto not appeared to require any special geographical description of its boundary, as in the case of the British Continental Possessions, and that therefore no exact definition of its limits has been laid down."* [3346]

October 16th, from Washington, John Crampton writes to the Foreign Office regarding the August request for a protest to the US Secretary of State; *"Your Lordship will perceive that Mr. Marcy states that, in accordance with my request, instructions have been addressed to Captain Smyley on this subject."* [3347]

November 16th, in London, Luis Vernet again complains about the lack of a reply from the Colonial Office. [3348]

November 26th, in the Falklands, *George Butz* is wrecked on Grand Jason. [3349]

December 22nd, in Washington DC, Minister Crampton receives a copy of Governor Rennie's report regarding Bernsée. Attached is a request that Secretary Marcy's attention is drawn to the threat offered by Commander Lynch.

> *"You (Crampton) will say that, until Captain Lynch's conduct on this occasion is avowed and adopted by the United States Government, the Government of Her Majesty will be willing to consider it as the unauthorised act of an officer unfitted for the performance of the duty on which he was employed and incapable of calculating the consequences of his contemplated misconduct.*
>
> *But Her Majesty's Government deem it right to warn the Government of the United States that any such attack as that which was implied by the threat of Captain Lynch would be dealt with by her Majesty's Government in such manner as would be due to the honour and dignity of the British Crown."* [3350]

3344 Orchard 1928
3345 *Ibid.*
3346 *FO 97/35/385*
3347 *FO 6/502/437*
3348 Correspondence bounced between the Colonial Office and the Admiralty, but the lost papers remained lost.
3349 Crew rescued by the schooner *Chance*. However, see January, 1855.
3350 *FO 6/502/489*

1855 – January 2nd, from Port Stanley, Governor Rennie responds to the letter of October 9, 1854, regarding any possible limitations on British sovereignty in the archipelago.

> *"Since the resumption of England's sovereignty numerous warning have been given to foreigners by the Authorities of the Falklands to desist from Fishing… Considering, therefore, that the US Government do not pretend to any sovereignty and that their claims … to the privilege of the fishery appear to me to be unsubstantiated, I think it inexpedient, and that it would lead to great and serious inconvenience and perhaps collisions, were exceptions to be made in their favour as to the fisheries in any part of the Islands. …"* [3351]

Regarding the three nautical mile enforcement zone suggested by the Queen's Advocate, Rennie answers that he is in consultation with Rear-Admiral Hope Johnstone at Rio de Janeiro; and that he has invited the Rear-Admiral to visit the islands to view the situation there for himself.

"The Governor … went on to say that there were no parts of the coasts of those islands which were not frequently visited every year,.." [3352]

January 4th, responding to a question from Lord Clarendon of November 2nd, Governor Rennie confirms that he has never recognised William Smyley in any, "*public capacity*."

> *"I beg to say that I have never admitted his pretensions, although privately I have shown him every courtesy which he could have expected if his exequator had been granted. I may state briefly that Captain Smyley has been a Sealer and trader in and about the Falkland Islands for nearly 30 years."* [3353]

Schooner *Chance*, is wrecked on Grand Jason. Crew of eight, saved by *Tekoa*.

January 15th, from Washington DC, John Crampton responds to the Earl of Clarendon to say that he has passed Governor Rennie's report to the US Secretary of State.

> *"Mr. Marcy's reply to my observations was couched in the friendly spirit I expected, and leads me to hope that due reparation will be made to His Majesty's Government for the outrageous conduct of Captain Lynch. He said that he would give his immediate attention to the representation which I had made to him... he would state to me in the mean time that the conduct of Captain Lynch on the occasion in question, an account of which had reached the United States from other sources, had already been disapproved of by the Government of the United States, and that that officer had been* ***ordered home*** *by the Secretary of the Navy.*
>
> *Mr. Marcy added that since he had spoken to me on the subject of Captain Lynch's first visit to the Falkland Islands he had carefully examined the printed documents, which I had given him for perusal, and that he entirely concurred with me in thinking that Captain Lynch's language was (unreadable), and that he, Mr. Marcy, had stated his opinion to the Secretary of the Navy, that, whatever Captain Lynch's professional talents might be, he was evidently unfitted by his indiscretion and ungovernable temper for the command which had been entrusted to him."* [3354]

3351 *FO 97/35/421*
3352 Orchard 1928
3353 *FO 6/502/498*
3354 *FO 6/502/391.* My emphasis. There is some evidence that Lynch remained in the South Atlantic until 1757.

February 5th, in the Falklands, the South American Missionary Society builds a station on Keppel Island. [3355]

".. no one could be so blind as not to see what it was most like – another speculation! Natives imported to work there under various pleas! One hundred and thirty head of cattle to be bought!" [3356]

"Stanley residents and their British colonial administrators expressed mixed feelings about the society's plans to extract Indigenous Yagán from Tierra del Fuego and "civilize" them remotely in a new settlement on Keppel Island. ... Colonial Chaplain Charles Bull and Governor Moore, contended that the scheme amounted to "kidnapping" or slavery, it the true motive was to force the natives to work with cattle at Keppel." [3357]

March 10th, at Stanley, *Indefatigable*, the flagship of Rear-Admiral Hope Johnstone, anchors in the port.

March 12th, a conference between Governor Rennie and the Rear-Admiral considers the practicalities of any enforcement of fisheries limits, in light of the extensive coast-line of the archipelago. Acting Colonial Secretary J. Longdon is delegated to prepare a report on the number of foreign vessels warned to leave the Falkland Islands since 1833. [3358]

March 17th, Rennie and Hope Johnstone confer again. [3359]

> *"In conclusion the Governor and the Admiral feeling in want of legal assistance to guide them on the documents, accessible to them, which involve questions of international Law and not being sufficiently informed of the conditions which constitute the right of user in such cases have considered it advisable to report the facts to Her Majesty's Government, in order that they may take such steps as may be deemed expedient."* [3360]

April 11th, the deliberations of Governor and Rear-Admiral, are forwarded to London.

April 18th, from London, Crampton in Washington DC is requested to confirm to the US Secretary of State that William Smyley, appointed as the USA's Commercial Agent at the Falklands in 1850, has never been recognised in any consular capacity by Governor Rennie. [3361]

April 25th, in Port William, New York barque *Ortona*, carrying timber, is lost to a fire. [3362]

May 30th, in London, in light of the concerns emerging from the Rear-Admiral's debate in Stanley, Britain's Queen's Advocate is again asked for a legal opinion with regard to the Falklands fisheries.

May 31st, at Stanley, *Neil Dow* is blown ashore and wrecked.

June 22nd, the Queen's Advocate, John Dorney Harding, provides his considered opinion. [3363]

3355 Populated for the first time since the period 1765 to 1774. *cf.* 1766, 1856, 1863, 1867 & 1869

3356 *A Two Years Cruise off Tierra Del Fuego, The Falkland Islands and in The River Plate* W. Parker Snow 1857 p.133. Concerned primarily with the Yaghan tribe of Tierra del Fuego, the site in the Falklands was apparently chosen as it offered a less hostile environment in which to learn the Yaghan language.

3357 Blair 2023 p.40

3358 *Memorandum of the foreign vessels warned off the Falkland Islands, since British re-occupation in 1833, while engaged in whaling, sealing, etc.; compiled from documents in the Government Office, Stanley, Falkland Islands Miscellaneous Letter (Inward) Book* vol. H8

3359 Minutes of the meetings may be found in *FO 97/35* from *452* to *454*

3360 *FO 97/35/454*

3361 *FO 6/502/507*

3362 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

3363 The response is not contained in the main file dealing with the fishing issue during the 1850's – *FO 97/35*

"The Governor appears to consider that the question could not be settled by the concession of a right of Fishing limited to a portion of the waters, or coasts of this numerous group of Islands, and that in effect the right of the Crown to the exclusive and entire fishery must be maintained, or altogether abandoned. If Her Majesty's Government should determine to maintain such right without any concession or compromise, then I would suggest that Her Majesty's ships will be justified in warning all persons (not belonging to the Islands) who may be found fishing either on shore, or within three miles of low water mark, in the name of Her Majesty to desist from trespassing and to depart within a reasonable time, and if they disregard such warning and persist in fishing, then Her Majesty's Ships will be justified in interrupting, and preventing them from fishing, avoiding the use of force, excepting in cases of forcible resistance being offered… I would further suggest … an Ordinance forbidding all Fishing without a licence…" [3364]

"… (he) suggested a system of issuing licences the acceptance of which by foreigners would tend to validate Her Majesty's title." [3365]

"… the suggestion of the Advocate General does not appear to have been acted upon…" [3366]

"He added, however, that, as great irregularities had long existed, and as many citizens of the United States appeared to have practically enjoyed the liberty of fishing for many years, great caution and discretion should be enjoined upon the local and naval authorities, who should proceed gradually and leisurely, and not suddenly or strictly, in maintaining and enforcing the exclusive right of the Crown." [3367]

"The British position, as stated by Lord Clarendon in 1855, was as follows:- "Her Majesty's Government… will continue to exercise in and around the islands of the Falklands group the rights of territorial sovereignty and will prevent, if they think fit, foreigners from fishing for whale and seal within three maritime miles of the Coast, or from landing on any part of the shores for the purpose of fishing or killing seals, nor will they allow the wild cattle to be destroyed."…" [3368]

August 9th, in the Falkland Islands, *Carlton,* with a cargo of coal from Swansea, is wrecked at Cape Carysfort.

August 28th, Capt. Beard in *Fanny*, assists the crew of *Carlton* at Cape Carysfort; retrieving gear and cargo. [3369]

"In 1855, eleven vessels (were) wrecked on the shores of the Falklands: two on fire, eight others in extreme distress, several with sick crews or without food or water. Cargo warehoused and reshipped exceeded £21,000, including several hundred tons of expensive machinery, manufactured goods, and copper ore." [3370]

August 30th, the Argentine Republic and Chile sign a treaty of peace, commerce and navigation. [3371]

"The two contracting parties recognize as the limits of their respective territories those which they possessed as such at the time of their separation from the Spanish dominion in the year 1810; and they agree to adjourn the questions which have been or may be raised on this matter, in order to discuss them later in a pacific and friendly manner, without ever having recourse to violent (measures; and, in

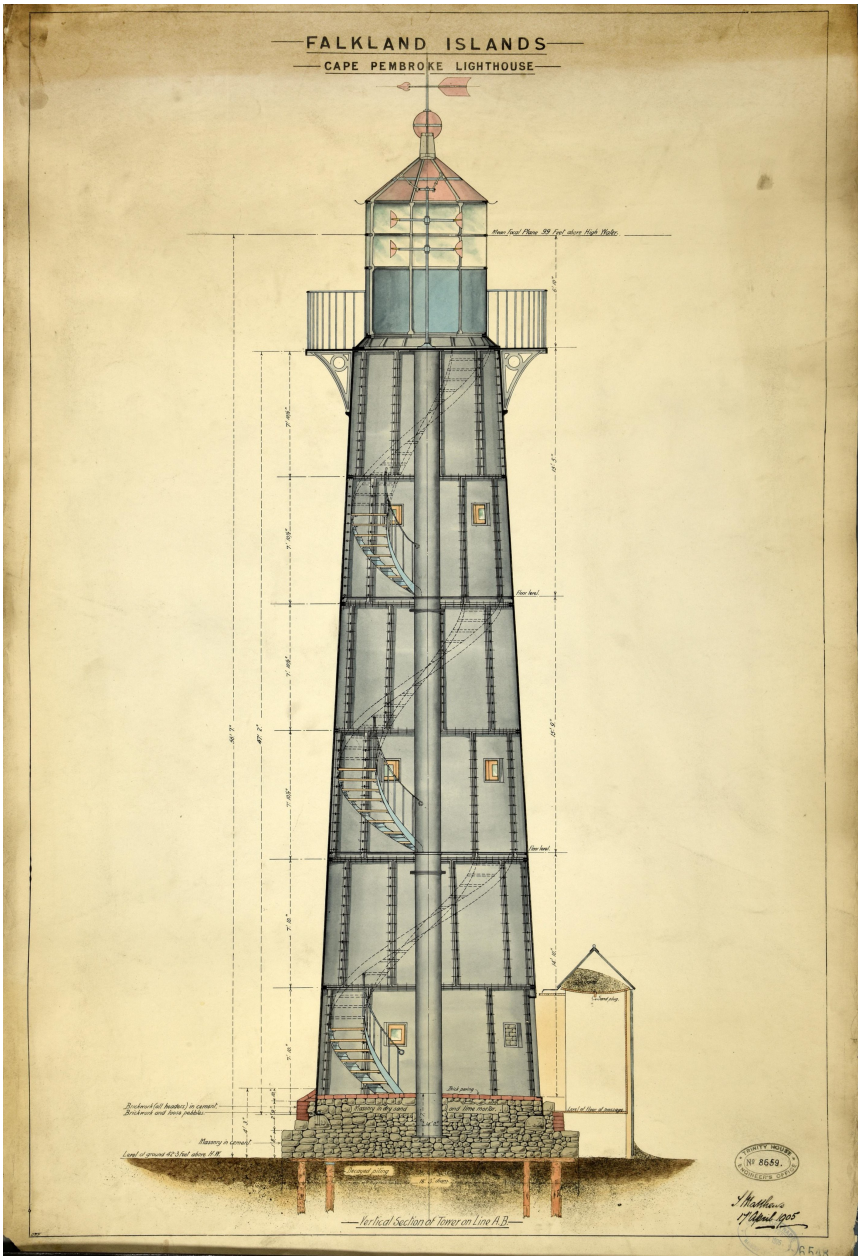
3364 *CO Letter July 25, 1883* in *FO 97/541*
3365 *FO 95/35/454.* Also *CO Letter July 25, 1883* in *FO 97/541*
3366 *Gov. Kerr to Earl Derby May 9, 1883* in *FO 97/541. cf.* May and December, 1856 & 1883
3367 Orchard 1928
3368 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing Moore 1906 vol.1 p.888
3369 Ships carpenter William Jones, and Seaman John Betts, both settled at Stanley. Descendants of both still live there.
3370 Blair 2023 citing the Falkland Islands Blue Book 1855
3371 Not including the separate State of Buenos Aires.

case they should not have brought about a complete agreement, to submit them to the arbitration of a friendly nation." [3372]

October 15th, at Stanley, Thomas Havers is recognised as Consul for Hamburg. [3373]

November 7th, Capt. Thomas Laws Moore takes over as Governor of the Falkland Islands. [3374]

December 1st, the 60 foot high, Cape Pembroke light tower commences operation. [3375]



3372 *Art.39* quoted in Moore 1913. *cf.* 1977
3373 Falkland Islands Statistical Review (Blue Book) 1857
3374 For a biography, see - https://www.falklandsbiographies.org/biographies/moore_thomas
3375 *The New York Times* November 24, 1855. Prefabricated in the UK during 1854 by William Wilkins, Lighthouse Engineers, of 24 & 25 Long Acre, London. Oil powered. Still there 2025

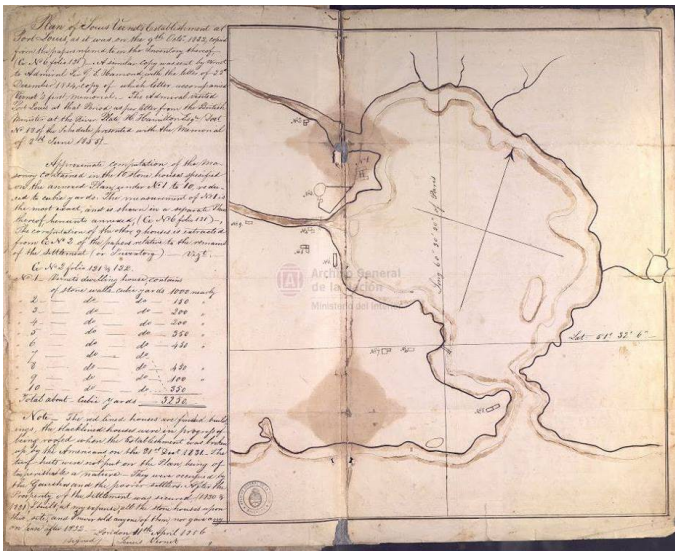
1856 – January 20th, in the Falklands, at Kidney Island, *Blanche*, from Newcastle upon Tyne, is wrecked.

March 9th, a surveying vessel *Pandora*, anchors at Stanley for a six day stop-over, en-route from New Zealand to England.

> *"The constable, Parry, is an old hand,... Parry's wife, a coloured woman, was I believe a resident at Port Louis when the murder of Mr. Brisbane took place; as also was another woman by name Antonini (sic), a half caste Spanish American, and now employed at the Falkland Company's Farm, at Hope-place."* [3376]

April 11th, still in London, Luis Vernet submits further papers to the British Government, together with a plan of Port Louis, "*as it was on 9 October, 1832*."

Alongside the plan is a note identifying that the map had previously been sent to Admiral Hamond at Rio de Janiero on December 22nd, 1834. A second paragraph details the buildings at Port Louis and gives their approximate sizes. The third paragraph notes the state of the house as they were before the arrival of the USS *Lexington* on December 31st, 1831.



> *"I built, at my expense, all the stone houses upon this site and I never sold any one of them, nor gave any one lease after 1832."* [3377]

April 19th, the *Illustrated London News* features engravings of scenes in the Falkland Islands.

> *"Until about 1825 the Falkland islands seem to have been resorted to by Spanish, English, French, and American whaling and sealing vessels indiscriminately, without any of them exercising recognised sovereignty. About that period, however, some cattle and horses which had been put on the east island by Monsieur de Bougainville (during his occupation as leader of the French settlement in 1764) attracted notice from their greatly increased numbers, showing evidently that the climate and the pasturage were favourable for those animals; and the Buenos Ayres Government, pretending to claim the islands as successor to the rights of Spain in those latitudes, established a small colony under Don Luis Vernet at the old settlement of Port Louis in Berkeley Sound. This gentlemen attempted to maintain with a strong hand the unwarrantable authority which he held, and seized two United States American schooners which were sealing on the rookeries, which he claimed as the property of Buenos Ayres. ... On hearing of those events, the British Government sent HMS Clio, in 1833, to resume possession of the islands, ..."* [3378]

May 3rd, in Buenos Aires, a notice regarding the new Cape Pembroke light tower is published in the *British Packet & Argentine News*.

3376 Unnamed observer quoted in Snow 1857 p.225. Also *Hunt's Merchant Magazine* 1859 p.141. Gregoria Parry had been one of Vernet's indentured slaves. Antonina Roxa, a resident since 1832. *cf.* 1828, 1832 & 1871

3377 The document is signed at the bottom '*London 11th April 1856 Lewis Vernet*'. Vernet left the islands in 1831.

3378 *Illustrated London News* Saturday April 19, 1856 pp.20 & 21

*"The **Colonial Government** at the Falkland Islands has given notice, that a Fixed light of the natural colour was established on Cape Pembroke on the first day of December last..."* [3379]

May 5th, in London, Luis Vernet writes to Lord Harrowby.

"The voluminous papers which accompanied my previous memorials have fully substantiated the justice of my claims, and clearly shown that, far from having identified myself, as Mr Strachey seems to believe, with the Government of Buenos Ayres, I have on the contrary identified myself de facto with the British Government, evinced by the partiality I showed for it even many years previous to the Islands coming under the British Flag – by my declining to continue to act as Governor after the British claim to them was made known to me – by submitting myself immediately to its jurisdiction as soon as it took possession of the Islands – by having consented to my own agent William Dickson undertaking to keep the British Flag hoisted... – and finally by my having previous to my appointment as Governor ... offered repeatedly my services to the British Government towards the colonization and general prosperity of the Falkland Islands under the British Flag, provided my individual rights to the property would always be respected.

... the wish, to get my Colony under the British Flag, was in accordance with my own interests and those of my colonists, which required such change of flag; because situated as we were on the Highway of Nations, we could not expect permanent prosperity, unless placed under the sovereignty of a Government capable of protecting us against filibustering or other aggressions.

As to the grants of Land, wild cattle, and privileges, these were originally obtained not with the view to establish any claim to the Islands on the part of Buenos Ayres, but merely to secure the best protection I could for my new colony, from the Authorities for the time being, regardless who they might be." [3380]

May 10th, Vernet writes to complain about the *Illustrated London News* article, of the month before.

"Having just seen in your paper ... an article accompanied by some sketches, on the Falkland Islands,... I beg leave to ask you upon what grounds, or with what intention, in my name has been so unwarrantably handled therein, especially as I am at present in London, and in correspondence with the present Government, for the purpose of claiming British protection and justice against the arbitrary acts and misrepresentation of certain British authorities, which have been the cause of my remaining, for these last eighteen years, dispossessed of my private property in the East Falkland Islands, after an honourable possession of very many years previous

It cannot, therefore, be expected that I shall, after so many years of unmerited grievances, pass over in silence any new misrepresentations or ex parte statements, which, if left uncontradicted, may have a tendency to injure me in the estimation of the public, as I possess ample evidence to convince every impartial man that I was perfectly justified in pursuing the course I did with regard to the Falkland Islands."

May 26th, an officer aboard *Pandora* writes to a friend in Tasmania.

3379 My emphasis. No suggestion of any outstanding claim by Argentina.

3380 *AGN, Buenos Aires, Sala VII, F.131, doc. 46* quoted in Pascoe & Pepper 2008. There is no evidence that Vernet was ever asked to consent to Dickson raising the flag; such consent being irrelevant and unnecessary.

"I will endeavour to give you a few words about the Falkland Islands. Since your day the Seat of Government has been removed to Stanley Harbour, S. side Port William. It is not very far from the old site, being only the next Island South of Port Berkley, but as Port William is only 4 miles deep, it is more accessible than Port Berkley, which is 12; moreover the prevailing wind blows athwart the entrance to Stanley harbour, so that vessels may sail through almost any day, while at Port Louis the entrance lay in the direction of the wind, it was therefore difficult to access. The present Governor, Capt. T.E.L. Moore R.N., who has only been there since last November, is a straightforward, honest man, anxious to do everything to improve the place; the other two (his predecessors) Moodie (sic) and Rennie, appear to have been most extraordinary geniuses, the latter in particular, his great object appearing to have been if possible to annihilate the Falkland Island Company. Jealousy was probably the cause of this; the Company's agent employing most of the people, had of course most influence. The present Governor appears to have none of this petty jealousy, but is rendering all the assistance he can to the Company's agent, Mr. T. Havers. Already I am told there is a great improvement in many ways, and as Mr. Havers is a most energetic, talented man, I have no doubt there will be still further improvements. The population of Stanley is about 300, and about 100 more are scattered throughout the Islands. ... The cattle on East Falkland Island (there are only a few on West Falkland) have been variously estimated at from 15,000 to 50,000;... The Tussock grass is quite gone as a staple;..." [3381]

May 27th, from Stanley, after discussing with the Executive Council the Queen's Advocate General's opinion on the fisheries, Governor Moore writes to the Colonial Office.

"Having duly considered all the information thus collected and having availed myself of such opportunities as have come within my personal knowledge for judging of this matter it appears to me that the course proposed by Sir John Harding of passing a Colonial Ordinance and issuing Fishing Licences at a moderate fee is one which presents many advantages and might I should think be beneficially employed in the case of these Islands. The other proposition of letting or farming out certain districts would not be so easy of application, and might I fear lead to collision unless a vessel were constantly on the spot to preserve the different localities. In order nevertheless, to prevent the fisheries becoming utterly valueless, it would be necessary to insert a clause strictly prohibiting fishing for either seal or seal elephant by Colonists or Foreigners during certain seasons. ... As far as I can learn if this regulation were to be rigidly enforced, the Rookeries might again become valuable and in a few years, the sale of Fishing Licences would, in all probability, become a considerable source of Revenue. Should, however, any Ordinance be passed compelling the taking out of Licences, or containing any restrictive provisions whatever, I think it would be highly desirable either that this Government should be furnished with a Colonial vessel, which might also convey the mails between Monte Video and the Colony and thus save the £500 a year at present devoted to that service, or that the Commander in Chief of Her Majesty's Naval Force on the South East American Station should be instructed to detach a small vessel at least twice in each year to make the tour of these Islands – should this not be done, I fear that any provisions that I might draw up would soon become a nullity, and, I think, tend rather to produce an impression both as regards Foreigners and the Sealing parties about the Islands, that they might brave the laws with impunity, than be of any real advantage." [3382]

3381 Published in *The Courier* (Hobart, Tasmania) Thursday 15, January 1857
3382 *Moore to Henry Labouchere May 27, 1856* in *FO 97/35/485*

June 2nd, from Buenos Aires, US Minister James Peden writes to US Secretary Marcy with regard to the outstanding claims of US citizens against the Argentine Republic – including the Waldron/Smyley demand for £50,000. Peden indicates that he is unwilling to act without further instructions. [3383]

"... in the end nothing seems to have come of it." [3384]

In **September**, at Port Stanley, the Rev. George Packenham Despard, arrives aboard *Hydaspes*. Despard is to be Superintendent of the Patagonian Missionary Society based on Kepple Island. Using the Society's vessel, *Allen Gardiner*, he is to establish contacts with the tribes on Tierra del Fuego. [3385]

October 21st, in London, the Colonial Office writes to Luis Vernet regarding to his claim for compensation submitted in May, 1852. [3386]

> *"... 2. You have demanded, in the first place, that the Lands and exclusive privileges, which you held in the Falkland Islands under alleged grants from the Government Ayres, prior to the British occupation, may be either restored to you, or their equivalent given you in Money or in other Grants from H. M. Government. This portion of your claims H. M. Government regards as destitute of foundation and entirely rejected. The British Government has never recognised or renewed the Grants and privileges referred to, and there is no reason for it doing so now.*
>
> *3. You again claim relief on the ground of the capital sunk by you in forming a settlement, and in constructing buildings and enclosures, of which the British Government, you contend, has had the benefit. As regards the ground also, the Government of this country has at no time admitted any claim on your part, nor can it do so now. Your capital referred to was already lost, and the settlement left in a ruined and nearly desert condition, (it having been twice broken up, first by external, and afterwards by internal violence) when a British authority was first placed upon the Islands.- So that although the British Officers undoubtedly occupied some of the deserted erections in their then state (whatever it was) of better or worse repair, such erections having been formed, Her Majesty's Government do not doubt, for the most part by yourself, - and this occupation of them for the public service continuing, as you observe, till the transfer of the place of Government to another place several years later, it cannot be said that any benefit was derived by Government in this way from your former outlay of Capital affording ground for public compensation.*
>
> *4. In some parts of your memorials you seek to hold the British Government responsible for the losses, which you suffered by the unfortunate events of 1833, which intervened between the hoisting of the British flag and the establishment of a resident British authority. - Her Majesty's Government cannot admit any such responsibility. Whatever you did to re-establish your settlement in 1832 (when you knew that the title of the Buenos Ayrean Government was denied by this Country) or to maintain it during 1833 (before British administration was actually established) was at your own risk.*
>
> *5. You lastly claim compensation for the moveable property consisting chiefly of about 60 trained horses, which came into the possession of Lieutenant Smith, the first officer placed in charge of the*

3383 *James A. Peden to William L. Marcy No.43 June 2, 1856* in Manning 1932 p.592. Peden appears to have been reminded of the outstanding claims in a letter of July 3rd, 1854; Smyley/Waldron alleging "*impressment of citizens and seizure of vessels*" by Luis Vernet in 1831. However, there is no evidence that any further instructions were forthcoming. See 1831. Also March 23 and December 27, 1849 & March 24, 1850

3384 Pascoe 2022 vol.1 p.595

3385 Despard resigned in 1860. *cf.* 1863

3386 *Elliot to Vernet October 21, 1856* in *AGN VII, 131 doc.48*. Vernet's initial *memorial* submitted on May 7, 1852 can be found here - https://falklandstimeline.files.wordpress.com/2023/05/vernet-to-palmerston-memorial-may-7-1852.pdf

Islands, in 1834, and for the proceeds of the cattle and seal business, in hides, seal-skins, and money, for the period the business was carried on subsequently to that date, in your name, which was done for a time by Lieutenant Smith, until the proceeding was put a stop to by orders from superior authority. With reference to these remaining claims Her Majesty's Government upon full consideration of the official documents before them and the various particulars which you have brought to their notice, especially in your more recent memorials, are prepared to admit your claim to compensation to the following extent. It appears that your right to be considered the owner of the horses referred to, and other moveable property, which came into Lieut Smith's possession in 1834, was acknowledged by the British Government as soon as the circumstances were reported, but that difficulty arose in settling your claim on this head from various circumstances, - among others, from the existence of counter claims against you, which remained and still remain unsettled, - and the excessive value which you proposed to place upon your horses if retained for the use of Government. ...

6. Her Majesty's Government upon this view of the subject have fixed the total compensation to be awarded to satisfy your claims, at the sum of Two thousand four hundred pounds. The sum to be deducted from this amount on account of counter-claims referred to, Her Majesty's Government on consideration of such information as is before them, cannot fix at less than One thousand pounds: which sum will be placed at the disposal of the local Government of the Falkland Islands for the settlement of those counter-claims, in such manner as Her Majesty's Government may think equitable. If this deduction should prove more than sufficient for the purpose, the balance will be paid you, ...

7. You will receive from the Commissioners of Her Majesty's Treasury an order for the payment to you forthwith of the sum of One thousand four hundred pounds being the remainder of the compensation awarded.,..."

On receipt, Luis Vernet notes;

"... in answer to the numerous Memorials, which I have had the honor to present, at various periods during the last five years, in support of my claims to compensation for the value of my Lands, Horses, cattle and other Property on East Falkland Island, on which I have expended £50,000, and of which possession was taken by the British Authorities... The result of the Official Letter is, an offer to pay me, in return for my Lands and the wild cattle on them, and for my very large expenditure and valuable Effects, the sum of £1,400, which will scarcely cover one fourth of my expenses in this country..." [3387]

"The British government's point of view was understandable – Vernet did not own the wild cattle in the first place, and Britain did not take over intact houses; the houses were worthless since they had been damaged or destroyed by Vernet's employees, ..." [3388]

December 6th, in London, ministerial debate as to the fisheries problem at the Falklands continues.

"The population is scarcely five hundred persons in humble circumstances, established on one spot in these Islands, is far too insignificant in amount, and too destitute of wealth, to be able to make use of an exclusive right of pursuing wild animals in these extensive seas. In fact ever since the Islands were colonized by Great Britain in the year 1843, the few Settlers there have made little progress and have never been followed by any fresh immigrants from the United Kingdom. Several of those already on the spot have petitioned for the favor of a free passage to enable them to remove to some more encouraging country." [3389]

3387 *Vernet to Labouchere December 1856* in *CO 78/43.* There was no offer to pay Vernet for 'lands'.
3388 Pascoe 2022 vol.3 p.22.
3389 *Labouchere to Clarendon December 6, 1856* in *FO 97/35/481*

The Colonial Office notes:

> *"Mr Labouchere agrees with the Governor in the opinion that to resort to a system of licences, or to proclaim any regulations without the means of enforcing them would merely tend to bring his authority and that of Her Majesty's Government into contempt instead of producing any good result…. Adverting also to the difficulties which are apparent from the successive reports of the Queen's Advocate on this subject, it appear to Mr. Labouchere that it would be inadvisable at present to take any formal steps for endeavouring to establish preserves of the Whale and Seal Fisheries around the Falklands since neither is there any resident population capable of twining exclusive right, to account, nor has it been deemed consistent with the more important demands of the public service to maintain at the Falklands the Naval force which would be requisite in order to enforce the observances of any regulations laid down for this purpose. Should the Earl of Clarendon concur in these views the Governor will be instructed accordingly."* [3390]

December 13th, with regard to the fisheries, Lord Clarendon signals his agreement with Labouchere. [3391]

"In 1856 the Colonial Office took the view that it would be inadvisable to press British fishery rights in the area of the Islands; the size of the resident population did not warrant it, nor was the employment of the naval detachment which would be required to enforce these rights justified." [3392]

December 30th, Luis Vernet, rejecting the £1,400 offer by the Colonial Office, makes a personal appeal to the Secretary of State for the Colonies, Henry Labouchere, for more; *"I beg leave, Sir, to submit to your favorable consideration in a separate Statement, amounting to £14,296."*

Vernet argues that his claims are founded upon; *"... my private rights, as first Occupier, of the East Falklands Island for the simple purpose of colonization and of rendering them (as I did by heavy expenditure of money, time and labor) a common benefit to myself and those who might come after me, whoever might be the ruling power."*

> *"It is, therefore, most unkind, and (I say it with all respect) unjust to me after, I had voluntarily submitted to the British Government; relying on its protection, (as promised by Admiral Baker's letter,) and when Government had entered (as it did in 1832 (sic)) into the beneficial occupation of my Lands, Houses, Cattle and Effects,– to oppose my claim for compensation by asserting in the face of these indisputable facts, that I claim, not in my private character of First Settler, but as Grantee under a Foreign State; and thus, instead of enquiring into my just rights as an Individual, to attempt to defeat them by placing me in opposition with the British Government on a political question, with which I have not any concern whatever..."* [3393]

3390 *FO 97/35/481*
3391 *FO 97/541*
3392 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
3393 *Vernet to Labouchere December 1856* in *CO 78/43*. Worthy of note that in 1839, Vernet had demanded only £1,000 in compensation. Mention of Admiral Baker's letter appears to be a reference to the orders given to Onslow in November of 1832, not to disturb settlers in their; *"agricultural or other inoffensive employments."* *cf.* 1831, 1832, 1833 & 1834

1857 – January 24th, in England, reported in *The Spectator*.

> *"Mr. C. W. Eddy, Radcliffe Travelling Fellow, Oxford, addressed the Times the other day in praise of the Falkland Islands as a penal settlement. Admitting that the climate is "rude and boisterous," he thinks this the very beau ideal of a climate for convicts; for will it not compel them to exercise and labour? Where old soldiers can gain a livelihood a convict will thrive. ... Mr. George Rennie, late Governor of Falkland Islands, has answered... that "up to the present time no settler in the Falkland Islands has ever maintained himself by agriculture alone."... Government would have to maintain them. Neither is it likely that the manumitted would remain voluntarily on the island; few persons remain permanently, the small population being kept up by fresh arrivals. I, moreover, doubt exceedingly the great safety of the Falkland Islands as a prison.... escape would by no means be difficult. The convicts during their sentences would despair of ever settling permanently in a colony, which, although healthy, offers so few pleasurable or profitable prospects;..."*

February 9th, in London, a second offer is made to Vernet by the Colonial Secretary - £2,400 reduced by only £550 to cover outstanding claims, notably that of the estate of Juan Simon, murdered in 1833. Vernet is also required to accept this as a final settlement. [3394]

> *"... Neither as Grantee of a Foreign State, nor as Settler first or otherwise, could you have had any right to appropriate the territory of the British Crown ... Her Majesty's Government reject as destitute of foundation, all your claims on account of these alleged rights... The moveable property found in 1834 is the property for which alone compensation is admitted to be due."* [3395]

"Vernet had claimed for 60 horses at £100 each, and for 120 salted and 18 dry hides at 30/- (thirty shillings) each, and for 152 sealskins worth by Vernet's estimate £228. But Labouchere had done some research in the British government's records, and had established that Vernet was inflating his claims. There had been only 55 horses...; there had been only 103 sealskins, and £20 had been a reasonable price for "even the best of the horses in the year 1834". The government did make a small adjustment, however, and was now offering him £2,400 but with only £550 instead of £1,000 deducted for the payment of counter claims against him." [3396]

Juan Bautista Alberdi, the Argentine Confederation's Envoy Extraordinary and Minister Plenipotentiary to the Courts in London and Paris starts negotiations with Spain for a treaty acknowledging the Confederation's independence.

From the Falkland Islands, Catholic residents write to Cardinal Wiseman, archbishop of Westminster, asking for a priest to be sent to attend their spiritual needs. Archbishop Mariano Escalada of Buenos Aires, recommends that an Argentine priest visits every 7 years. [3397]

Lawrence Kirwan, a priest from Dublin but based in Buenos Aires, is sent out to the Islands He starts a fund to raise money for a Catholic Chapel. [3398]

3394 *FO 97/541*
3395 *John Ball (Undersecretary of State for the Colonies) to Vernet February 9, 1857* in *AGN VII doc.49*
3396 Pascoe 2022 vol.3 p.23.
3397 Murray 2005.
3398 Land for a Catholic Chapel was purchased in 1861.

March 19th, Governor Moore writes to the Colonial Office regarding a complaint that the crew of an American whaler, *Martha*, under Capt. Drake, have slaughtered a tame cow, rather than buy meat from the settlement. [3399]

In **May**, in Stanley, US Commercial Agent William Smyley is accused, and convicted, of stealing cattle. He is fined £2. [3400]

> *"This man has an expensive vessel here kept for no ostensible use, he comes and goes as he pleases and no-one cares to ask him how he earns his living. He and I are on quite good terms notwithstanding the trial and yet I know him to be little better than a pirate, being well acquainted with some extensive robberies he has committed ...The people here are all more or less afraid of Smyley and it is not easy to induce anyone to speak out ..."* [3401]

August 7th, in England, Lieut. Charles Compton Abbott is gazetted to be the Commanding Officer of a Detachment of Troops; *'to be employed in the Falkland Islands.'* [3402]

September 17th, Islander Christopher Murray, is sentenced to 14 years transportation for murdering his wife.

In the Islands, the Falkland Islands Company move its offices from Hope Place to Darwin.

October 24th, on Sea Lion Island, the US ship, *Antoinette*, founders. Some members of the crew manage to get to Port William. William Smyley takes a boat out to rescue the remaining crew and passengers. [3403]

1858 – January 12th, at Stanley, a garrison company of Royal Marines arrive on *Ealing Grove*, to take over the defence of the islands. The company consists of two captains, three sergeants, one drummer and 30 men, with wives and children, and all with at least 15 years service. The term of service to be 6 years. [3404]

February 1st, from Paris, Vernet writes in response to the offer of February 9, 1857. [3405]

> *"Sir, Referring to your Excellency's letter of the 9th February 1857 in which you offered to pay me £2400 Sterling for all my claims on the British Government in regard to the Falkland Islands deducting from this sum £550 Sterling for counter claims, I beg leave to state to your Excellency that my present position not affording me well the time, and means to meet the necessary expenses for the farther (sic) prosecution of my claims, I will accept this offer, if you will kindly condescend not to deduct from that sum the said £550 Sterling for counter-claims, as they are in the present case totally unfounded for the reason that they arise from the acquisition of property to which H.M. Government does not recognise me any right.*
>
> *Moreover I urgently implore and trust that you will be pleased to grant me, as a matter of equity, something more than the £2400 in consideration of my so very unfortunate case, of having lost my whole fortune and many years of toil in the establishment of a Colony on the East Falkland Island, of*

3399 *FO 6/502/515 – 523*. The Governor's report was supported by a number of depositions and forwarded to the USA on June 2, 1857. Britain's Mission in Washington responded on July 2, 1857, that there was little likelihood of any legal action being successful on technical grounds (the dispositions were not acceptable to the US legal system). The Mission also believed the costs would outweigh the damage; but they did agree to pursue the vessel's owners privately. *Martha's* crew appear to have continued stealing cattle well into April, as further complaints were registered in July, 1857.

3400 *FO 6/502/550*

3401 Thomas Havers of the Falkland Islands Company

3402 *The London Gazette No.22029*

3403 *The New York Times* April 8, 1858

3404 Few remained at the end of the six years; a majority leaving on *Velocidade* in 1863. *cf.* 1864 & 1877

3405 *CO 78/43.* Vernet's whereabouts during 1857 are undocumented and it is difficult to know why he took a year to respond to the offer.

*the lands and cattle of which I considered myself to be the proprietor, having enjoyed their possession from 1823 to 1833, with the full consent of the Government under whose flag those islands then were, and with the **tacit consent** of the British Government, whose representatives in that quarter were well acquainted with my undertaking – And of having spent now in England, from 1852 to 1857, more than £5000 Sterling on account of the constant prosecution of my claims which expense would not have attained such large amount if the decision of Government had taken place soon after my first application."* [3406]

"On 1 February 1858 Vernet wrote from Paris to Colonial Secretary Henry Labouchere stating that he had now spent £5000 on "the constant prosecution of my claims" and imploring the government to increase the amount of compensation "in consideration of my so very unfortunate case, of having lost my whole fortune and many years of toil on the establishment of a Colony on the East Falkland Island." ... Unsurprisingly, the government remained unmoved and did not increase its offer." [3407]

February 23rd, at Stanley, John Markham Dean is recognised as Consul for Denmark. [3408]

March 25th, in Buenos Aires, Luis Vernet's wife, Maria Sáez de Vernet, dies aged 58.

April 12th, in the Falklands, *Leopold* is wrecked on Grand Jason. Eight of the crew are lost with the wreck, eleven of the twelve survivors die while awaiting rescue. One man is saved after three weeks. [3409]

April 24th, in London, Vernet advertises for a lawyer.

"A Gentleman, having a just claim for a sum of money exceeding £100,000, wishes to be introduced to an Attorney who will undertake the suit for him on the following terms:- The Attorney to advance £2,500, and to receive a moiety of the sum reclaimed."

"In the spring of 1858 Vernet returned to London and took lodgings at 39 Upper Charlotte Street, Fitzroy Square, where he placed a small-ad in a lawyers journal – a very early case of a "no win, no fee" arrangement. He clearly found no takers...." [3410]

April 26th, Luis Vernet writes to Lord Stanley, requesting immediate payment of the compensation offered, but also seeking a further review of his case.

"I claim my Lord, British justice and equity, which I am confident your Lordship will not deny me. The perusal of the annexed statement will suffice to convince your Lordship that there is very strong reason for the reconsideration of my case, and I most humbly and respectfully entreat your lordship that it may be reconsidered." [3411]

On the same day, Vernet also appeals to the Earl of Derby, claiming that the "*injustice*" done to him has affected his mind. Attached to the letter is an; *"Exposé of <u>the neglect</u> of the colonial interests of Great Britain in regard to the Falkland Islands during more than 20 years, causing that Colony to remain a poor, lingering and expensive establishment,..."* [3412]

3406 *Ibid*. My emphasis. Vernet was not in possession of any Islands in 1823.
3407 Pascoe 2022 vol.3 p.23 citing *AGN VII, 131, doc.54*
3408 *The London Gazette No.22145.* This Consulate was closed in 1895
3409 Rescued by William Smyley in *Nancy* and taken into Stanley June 1, 1858. Some accounts claim that the survivor was on Grand Jason for three years. Not so.
3410 Pascoe 2022 vol.3 p.23
3411 *CO 78/43*
3412 *Ibid.* Original emphasis.

May 7th, Earl Carnarvon, the new Colonial Secretary, responds to Vernet to say that; *"... he was directed by Lord Stanley to inform me in reply to my letter dated the 26th ultimo, to the Earl of Derby and to himself, that he concurs in the offer made me by Mr. Sec. Labouchere..."* [3413]

May 8th, Britain's Paymaster General is authorised to pay; *"... to Mr Lewis Vernet formerly of the Falkland Islands the sum of £1,850 in respect of his claims on account of property belonging to him which came into the possession of Lieut. Smith the first of the naval officers provisionally placed in charge of the Islands before a Governor was appointed, & which said property was appropriated by Lieut. Smith and his successors to the Public Service."* [3414]

May 13th, Luis Vernet receives news of his wife's death; *"At that, he gave up. He wrote several long bitter letters to Lord Stanley, and made the unusual step of having them printed, in a 15-page booklet."* [3415]

May 14th, Vernet writes accept the compensation on offer, but adding a complaint.

> *"... the last SIX YEARS of procrastination in the settlement of the acknowledged part of my claim, the maintenance of my family abroad, the other necessary expenses and the losses occasioned by the unavoidable neglect of my affairs at home, have not only exhausted all my newly earned money (£8,000) eight thousand pounds sterling, but have forced me to contract debts, to pay which, I am now obliged to accept the (comparatively speaking) insignificant sum of £1,850, offered me on the hard condition, sin qua non, of my giving a discharge in full for the whole claim, which ... I have proved to be worth more than fifteen times that sum."* [3416]

Vernet also comments upon the issue of the sovereignty.

> *"... in order to facilitate the settlement of my claims, I have always studiously avoided entering in the international question of the Sovereignty over the Falkland Islands, because, as long as my private property is not disrespected, that question does not regard me,- the holding it up in my insignificance against the power of the British Government, would have been in extreme ridiculous and prejudicial to my interests, to that of my Creditors and to that of my Colonists who had volunteered to return to the Colony provided my rights of property to the Land and Cattle was respected. But now, that my rights of property are so totally disregarded, I will repeat what I have formerly only mentioned incidentally, and which will convince Your Lordship and the British Parliament, when eventually my Case will come under its consideration, that if British policy requires that my rights to the Lands and cattle of the East Falkland Island should not be acknowledged I am at all events entitled to a very large Compensation, namely: The land had been granted me by Buenos Ayres, the legitimate successor in the first occupation by the French in 1764 (the legitimate successors of the first discovery on the part of Spain, by its navigators Vespucio and Magellan, the legitimate successor of Spain to the Treaty of 1790, the 4th article of which settled the question of sovereignty in favor of Spain; (that Island being then occupied by Spain). The Cattle was granted me by Buenos Ayres, the legitimate successor of him who imported into the Island the original stock of Cattle, the French Admiral Bougainville, in 1764."* [3417]

3413 *Vernet to Lord Stanley May 14, 1858* in *CO 78/43*

3414 *CO 78/43*.

3415 Pascoe 2022 vol.3 p.24

3416 *Letters from MLV to the Right Hon. Lord Stanley, Secretary of State for the Colonies, Concerning his Claims on the British Government, and the Neglect of the Colony of the Falkland Islands* L. Vernet 1858. Original emphasis.

3417 *Vernet to Lord Stanley May 14, 1858* in *CO 78/43.* These historical inaccuracies have been dealt with elsewhere. To recap: 1) the French occupation was only of one island (East Falkland) in January, 1764, while England occupied West Falkland from January, 1766; 2) Spanish navigators did not discover the archipelago (see 1592); 3) the Nootka

May 17th, Vernet is paid £1,850 in full compensation for his losses on the Falkland Islands.

> *"Received of HM Paymaster General on the 17th May, 1858 the sum of Eighteen hundred and fifty Pounds in full of all my claims upon HM's Government relating to the Falkland Islands, on account of Property formerly belonging to me. £1,850 (signed) Lewis Vernet."* [3418]

"... when he left the islands in 1831 he had owed money to Henry Metcalf and to the capataz Juan Simon, who was later murdered by Antonio Rivero. Juan Simon's son José, born at Port Louis around 1831, was still in the islands in 1858, and Britain insisted that Vernet's debts to Juan Simon were to be paid to José. Accordingly, £550 was deducted from the £2,400; Vernet was paid £1,850 in London on 17 May 1858, and Governor Thomas Edward Laws Moore paid the £550 to José Simon in Stanley on 13 December 1858." [3419]

May 22nd, Luis Vernet writes a bitter letter to Lord Stanley acknowledging payment of £1,850; *"... as payment in full for all the property at the Falkland Islands which the British Government applied to the public service... exclusive of 20 years interest..."* [3420]

May 27th, Lord Carnarvon informs Vernet that, as the conditions attached to the offer of compensation have been accepted, the matter is now closed and correspondence must cease. [3421]

June 3rd, Vernet acknowledges Carnarvon's letter.

> *"I beg leave to make the following observations: That, ... the discharge in full taken from me for the appropriated part of my property, having been extorted from me by the force of circumstances resulting from the twenty years of procrastination in the payment of the acknowledged part of my claims, and the sum finally received by me being moreover so excessively small, as not even to cover the interest of the sum of money which was comprised in that property, and having received no compensation whatsoever for any of my other property, I consider, that the entire question between the British Government and me remains pending...*
>
> *(I) feel that some day not far distant my real claims must and will be more liberally treated, and as these claims are, to me not merely a question of interest but also a question of honor, because I have invested in that property not only my whole fortune but also considerable portions of the fortunes of my friends, I therefore reserve to myself, to my children, and to my children's children, the right, and it is my injunction to them to seek perseveringly to obtain redress, be it by future applications to the British Government, be it by appealing to the British nation, or be it by any other means which may be in our power, until redress is finally obtained."* [3422]

Convention of 1790 only applied to adjacent islands, not those 300 miles from the coast, and art.4 only to the South Pacific; 4) it is unclear whether the wild cattle were descended from those taken out by the French in 1764 or by the Spanish after 1767. As to the question of inheritance. Britain did not, and does not, recognise Buenos Aires or Argentina as the successor to Spain or its Viceroyalty. *cf.* 1764, 1767, 1790 & 1828. With regard to the legitimacy of the Buenos Aires grant of 1828, see 1882.

3418 *CO 78/43.* Luis Vernet was inclined to use Louis, Lewis or Luis depending on who he was writing to or in which country he was at the time.

3419 Pascoe 2020 p.283

3420 *Ibid.* Notes in the margin of this letter question whether Vernet had fully understood that all his claims were settled on payment, and that no new claims would be countenanced.

3421 Vernet 1858. A note in the margin of one of Vernet's letters in the Colonial Office archive indicates that Carnarvon's letter was, in fact, dated May 28, 1858

3422 *Vernet to Lord Stanley June 3, 1858* in *CO 78/43.* Original emphasis. No further attempt to pursue a claim against the British Government was attempted either by Vernet or his heirs; despite his eldest son being contracted to do so before Luis Vernet's death. A claim was pursued, however, by Vernet's heirs against the USA regarding the *Lexington* raid – albeit, unsuccessfully. *cf.* 1831, 1869, 1871, 1879 & 1884.

On the same day, Vernet also pens a letter to Lord Stanley. [3423]

> *"... when the British Government took that establishment from me, it consisted of a grazing farm, covering the whole East Falkland Island, which contains upwards of one million acres of land, and was stocked with at least 3000 horses and 40,000 head of cattle (the descendants of the original stock), and there were, moreover, ten stone houses, numerous turf huts, and enclosure for cattle all over the Island; 60 superior and well seasoned hunting horses, 800 ox hides, a quantity of seal skins, and £3300 in money from the sales of beef, and it now presumes to say (speaking with respect) that £1850 is a compensation for all this my property!!"*

"Here his rose-tinted spectacles were in action again – he was remembering his establishment as it had been in 1831, before he had made his disastrous mistake of seizing American ships, and things had greatly changed by the time Henry Smith arrived as Britain's representative in 1834 – the stone houses were in ruins, the turf houses scarcely recognisable, the horses in the hands of the murderers, and the money gone. And of course it was absurd to say he owned the cattle or the land." [3424]

From England. Luis Vernet sails for Buenos Aires. [3425]

July 5th, in the US, *The New York Times* estimates that there are between 20 and 30,000 wild cattle in the Falklands, and only 800 Islanders

"By 1858 most wild cattle on East Falkland had been killed and Lane informed the FIC Directors not to expect more than 3,000 hides per year. Lane also wanted to make better use of cattle by salting their meat and finding markets for it." [3426]

July 6th, from Washington DC, the British Mission informs the Foreign Office that Secretary Cass has; *"... addressed instructions to the United States Consul in the Falkland islands enjoining him to discourage as far as possible the depredations practised by American Seamen on the cattle of that Settlement."* [3427]

September 7th, Falklands Governor Moore is informed of the final settlement of Vernet's claims, and that £550; *"... being the balance of the total sum of Two thousand four hundred pounds awarded for settlement of the claims remains at the disposal of this department to be applied in or towards the discharge of any counterclaims against Monsieur Vernet deserving of being so met."* [3428]

"Her Majesty's Government have considered Five hundred and fifty pounds a full but not excessive compensation for these undoubted claims reported by your predecessor, regard being had not merely to their nominal value, but also to the length of time for which they have been in abeyance." [3429]

Moore is instructed to identify those claimants still living on the Islands.

December 2nd, in Stanley, a public notice is posted.

> *"Whereas Luis Vernet Esquire, formerly of Port Louis in these islands, did in or about the year 1831, issue at Port Louis promissory notes under his hand purporting to be of the value of one five or ten dollars each respectively, and whereas provision has been made for the payment of such notes or other certified claims against the said Luis Vernet Esquire –*

3423 *Vernet to Stanley June 3, 1858* in *AGN VII, 134, doc.45 p.15*
3424 Pascoe 2022 vol.3 p.25. *cf.* 1831 and 1833
3425 *Vernet to Lord Stanley June 3, 1858* in *CO 78/43.* A note in the margin refers to Vernet leaving "*in a day or two.*"
3426 Wilson 2016
3427 *FO 6/502/534*. Smyley had been appointed as US Commercial Agent at Stanley in 1850, not as Consul.
3428 *CO 78/43. cf.* 1831 & 1853
3429 *Ibid.* There was little sympathy for Vernet. He being considered the architect of much of his own misfortune.

Notice is hereby given that all such notes or claims must be sent in to the office of the undersigned before twelve o'clock on Wednesday the 9th instant to be examined and reported upon." [3430]

December 13th, on East Falkland Island, José Simon acknowledges receipt of £550 in compensation for the monies owed by Luis Vernet to his father, capataz Jean (Juan) Simon; murdered in 1833. [3431]

"I have only further to express Jose Simon's grateful thanks for the care with which Her Majesty's Government have guarded his claims." [3432]

"At the current exchange of 4/2 per dollar these claims amount in all to Four hundred and fifty three pounds nineteen shillings and twopence, leaving a sum of ninety six pounds and ten pence as a compensation for the length of time they have been in abeyance. I have only further to express José Simon's grateful thanks ..." [3433]

1859 – in the Falklands, an assessment of the wild cattle and horses takes place.

"A comprehensive wild cattle count was made in 1859 by General Arthur Bailey, Colony Surveyor, covering the north of East Falkland and thus excluding Lafonia. The total in eight "blocks" was 5,921 head. Bailey estimated that in rough terrain around Choiseul Sound there were possibly up to another 500 cattle. Only eleven horses were seen. Herds generally comprised 15-20 head and calves were very numerous. Pasture was abundant and it was surmised that numbers were rapidly increasing in areas formerly "the chief seats of the operations of Mr Lafone and the Company" ..." [3434]

July 9th, in Madrid, a '*Treaty of Recognition, Peace and Friendship'* is signed between Spain and the Argentine Confederation. [3435]

"*... When, finally, Spain agreed to recognise the independence of Argentina in 1859, it was Argentina without the Falklands, with no explicit transfer of any rights which Spain may have held over the archipelago."* [3436]

"... independence was not recognized by Spain until 1859, twenty-six years after the Falklands had come back under British control, and involved no explicit transfer of sovereignty over the islands. No act of cession or 'quasi-cession' of rights in the Falklands took place, and, as Judge Huber remarked in the Island of Palmas arbitration, "it is evident that Spain could not transfer more rights than she herself possessed". ..." [3437]

Spain acknowledges the territory of the Argentine Confederation as a; "*free, sovereign and independent nation,"* with Isabella renouncing, for herself and her successors, sovereignty over the territory of the Confederation. [3438]

September 4th, in Berkeley Sound, the American clipper, *Russell*, strikes Billy Rock and sinks.

In **October**, the schooner, *Allen Gardiner* (Garland Phillips), owned by the missionary society on Kepple Island, and with a crew of nine, departs for Tierra del Fuego to return nine Yaghan Fuegians to their home.

3430 *CO 78/43.* Signed by the Colonial Secretary at Stanley – J. R. Longden.

3431 Apparently, the only remaining claimant. Jean (Juan) Simon, Vernet's ever loyal gaucho foreman had been promised his wages in 1832; monies owed for the years worked after 1826 but which he had never received. José Simon, his wife and two half-brothers by the indentured slave Carmelita, disappear from the records shortly after payment. Most likely, with money in their pockets, they headed for Montevideo.

3432 Statement of Governor Moore in *CO 78/43.* See Pascoe 2022 vol.3 p.36

3433 *Ibid*. Noted in Governor Moore's report of December, 1858 and received by the Colonial Office on March 5, 1859.

3434 Wilson 2016

3435 Not including the State of Buenos Aires.

3436 Metford 1968

3437 *Sovereignty and the Falklands Crisis* P. Calvert 1983

3438 *The Recognition of the Spanish Colonies by the Motherland* W. Robertson 1918. The UK recognised the Argentine Confederation (including Buenos Aires) in 1850.

October 23rd, the Argentine Confederation invades the State of Buenos Aires; defeating its forces at Cepeda.

"Buenos Aires, the largest Argentine province, had refused to take part either in the convention that adopted the Constitution of 1853 or in the resulting Argentine Confederation … Buenos Aires was eventually defeated by Confederation forces… As a condition of peace, Buenos Aires agreed to join the Confederation, but subject to changes in the constitution." [3439]

November 2nd, at Tierra del Fuego, *Allen Gardiner* arrives at Wulaia Bay.

"Upon arrival at Wulaia, (a) search took place, upsetting Macalle-wenche and Schwaiamungunjiz, who resisted. Missing knives, handkerchiefs, and a harpoon were discovered, … As the crew left the Allen Gardiner to cut wood and garden, about seventy canoes carrying up to three hundred Natives gathered." [3440]

November 6th, at Wulaia Bay, during a Sunday service, the captain and all but one of the crew of 9 of the schooner *Allen Gardiner* are murdered by members of the Selk'nam (Ona) tribe. The only survivor is the ship's cook, Alfred Cole, who had remained on the vessel and who escapes ashore in a small boat.

".., the natives plundered the ship. They recovered pieces of iron from deck lights, poles, the wheel, and sails. According to Cole, the Allen Gardiner was reduced to a "mere wreck", with nothing left except the hull and masts. Cole made it to the shore, where he survived on berries, mussels and limpets …"[3441]

November 11th, in Argentina, the *Treaty of San Jose de Flores* is signed, signalling the return of Buenos Aires to the Confederation; conditional upon reforms to the 1853 constitution. Agreed that Buenos Aires will review that constitution in the New Year and highlight the amendments it seeks. [3442]

1860 – January 5th, in Buenos Aires, representatives are elected to review the 1853 *Constitution*. [3443]

"A convention was set up to examine the 1853 constitution; some 70 representatives were elected in Buenos Aires, and the convention met several times during the first five months of 1860 … Its debates were published verbatim in a special Diario de Sesiones, containing some 500 pages of verbatim records of debates and constitutional documents … distinguished Argentine politicians took part in the 1860 convention … all of whom were fully familiar with the former dispute with Britain over the Falklands, and all of whom spoke in the debates, along with many less well-known figures. But in all that documentation of a vital phase in the development of Argentina, there is not a single mention of the Falkland Islands – the word "Malvinas" does not occur once. That is not because no islands or geographical places were mentioned: … Several speakers referred to lost territory – Elizalde referred … to various territories the province of Buenos Aires had lost, including Uruguay, Entre Ríos and Corrientes." [3444]

In the Falklands, sole rights to the cattle in the south of East Falkland (Lafonia) is handed to the *Falkland Islands Company*. Rights to other wild cattle revert to the Government; which moves to protect them.

3439 *Don't Copy Me Argentina: Constitutional Borrowing and Rhetorical Type* Mitchell Gordon 2009

3440 Blair 2023 p.42

3441 Blair 2023 p.43

3442 Much of the seven-year long dispute concerned the economy. The main port was in Buenos Aires, as was the Customs House. Buenos Aires had been disinclined to share the duties levied and had rejected those parts of the 1853 Constitution which dealt with customs duties as a national resource.

3443 Recorded in the *Diario de Sesiones de la Convencion del Estado de Buenos Aires acompanado de El Redactor y el Informe de la Comision. Constitucion Federal con las enmiendas y los convenios de 11 de Noviembre de 1859 y 6 de Junio de 1860* published that same year.

3444 Pascoe 2020 p.215. It is noteworthy that speakers included Domingo Sarmiento, Bartolome Mitre, Rufino de Elizalde, Valentin Alsina and Thomas de Anchorena; all of who had previous connections with the dispute over the Falklands. Further evidence that Buenos Aires had abandoned its claim following the 1850 peace treaty.

"When Government resumed ownership of cattle outside Lafonia, it fixed a penalty of £20 per animal for hunting, wounding, capturing, or destroying cattle without a license. But with enforcement almost impossible over the thinly populated camp, cattle became fair game for Company and settlers alike." [3445]

February 6th, in Argentina, Santiago Derqui is elected as President of the Confederation.

From the Falkland Islands, with no news of the *Allen Gardiner* or its crew, a search party led by William Horton Smyley sails to Wulaia Bay.

March 1st, Smyley discovers the sole survivor of the November massacre near the wreck of the ship. He also finds the Yahgan Indian, O'rundel'lico (Jeremy Button). [3446]

In Stanley, an inquiry clears O'rundel'lico of taking any part in the massacre. However, concerns are raised about the missionary settlement on Kepple Island which stands accused of abducting tribes people.

April 20th, Capt. William Cook is gazetted Commander of the Detachment of Troops in the Falklands. [3447]

May 3rd, in Buenos Aires, Bartolomé Mitre, is elected as Governor of the independent State.

"Mitre had for some time ceased supporting the independence of Buenos Aires and instead pressed for unity, but on terms quite different from Uzquiza's. Whereas Uzquiza sought to reduce the power of Buenos Aires and impose an equitable sharing of the revenues, Mitre's concept of unity endorsed the paramountcy of Buenos Aires." [3448]

At Stanley, on the same day, the Rev. Charles Bull is appointed Colonial Chaplain. [3449]

June 6th, in Argentina, an agreement between the Buenos Aires and the Confederation is finally reached. Buenos Aires retains exclusive control of the Customs House for a limited period, upon payment of 500,000 pesos a month to the other Provinces. [3450]

June 27th, in Madrid, ratifications of the 1859 *Treaty* between Spain and the Argentine Confederation (excluding the State of Buenos Aires) are exchanged. [3451]

August 5th, at the Falklands, *Glenbervie*, en-route to Valparaiso, is destroyed by fire. The crew are rescued.

August 16th, at Speedwell Island, in the Falklands, *Colonsay*, a British ship returning to Glasgow, is wrecked.

"... all aboard ... were saved, and the 16-year-old Swede Frans Theodor Rylander from the Colonsay ... stayed in the Falklands ..., married and had children." [3452]

September 5th, near Port William, *Alexander* is wrecked at Mengeary Point. All the crew are saved. [3453]

September 25th, in Buenos Aires, a revised version of the Confederation's constitution is promulgated.

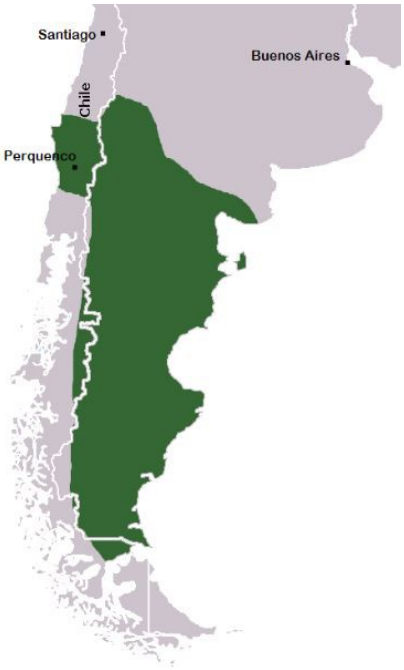
3445 Bernhardson 1989 p.318
3446 Purchased for a pearl button by Robert Fitzroy in 1830, O'rundel'lico, had been renamed Jeremy Button and taken, with three others, to England where they were presented to the King. All returned to Tierra del Fuego in 1832. For a fuller account see - https://www.falklandsbiographies.org/biographies/button_jemmy
3447 *The London Gazette No.22378*
3448 Rock 1987
3449 *The London Gazette No.22382*
3450 Generally referred to as the *Union Agreement*. See September, 1861
3451 See 1863.
3452 Pascoe 2020 p.237
3453 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

"Article 35: The names of 'The United Provinces of the River Plate,' 'The Argentine Republic,' 'The Argentine Confederation,' adopted in succession ever since 1810, shall be allowed in the future to be used indistinctly for the official designation of the government and the territory of the Provinces; but the name of 'The Argentine Nation' shall be used in the enactment and approval of the laws. ... [3454]

Article 67: The National Congress shall have power:... 14. To settle finally the limits of the Republic, to fix those of the Provinces, to create new provinces, and to provide by special laws for the organization and the administration of the government of the national territories,.."

"Advices from the French mail state that the adhesion of Buenos Ayres to the Confederation had been finally and officially settled, and that the modification in the constitution had been agreed to with only one dissentient voice." [3455]

"In the confusing intermission between Cepeda and Pavón, the province of Buenos Aires, having secured a number of amendments, at last ratified the Constitution of 1853." [3456]



November 17th, in Chile, French lawyer Antoine Tounens declares himself King Orélie-Antoine I of Araucania and Patagonia (kingdom right).

December 1st, 50 nautical miles south of the Falkland Islands, *Concordia*, out of Hamburg and en-route for California, is abandoned. Passengers and crew make for the archipelago. [3457]

December 29th, Chilean newspaper *El Mercurio* publishes the constitution of Araucania and Patagonia. King Orélie-Antoine I travels to Valparaiso to meet representatives of the Chilean Government. None arrive. [3458]

1861 – in the Falklands, in a population census, 541 people are registered as being in the territory.

At Stanley, a *'Shipping Register'* is opened. [3459]

Colonial Surveyor Arthur Bailey visits New Island. He finds a settlement of seven men, a woman, one child, 500 sheep, 46 cattle, some horses, mules and goats.

March 2nd, in Washington DC, the US House of Representatives authorises the presentation of the gift of a telescope from the Belgian Government to *"W. H. Smiley, United States commercial agent at the Falkland islands."* [3460]

3454 But not the *United Provinces of South America*. *cf.* 1820
3455 *Dublin Evening Post* Tuesday November 27, 1860
3456 Rock 1987 p.123
3457 Danish passenger Karl Hansen remained in the Falklands for the rest of his life, married and had children. Hansens are still there today (2025). See Pascoe 2020 p.237
3458 The French Consul came to the conclusion that Orélie-Antoine de Tounens was probably insane, despite at least one Mapuche tribe having crowned him Great Toqui (Supreme Chief). In 1861, and probably as a result of this declaration, Chile sent troops into the Araucania region. Orélie-Antoine de Tounens was detained and deported to France in 1862. And again in 1874. And again in 1876. Died in poverty and unrecognised in 1878.
3459 Now part of the *Red Ensign* Group.
3460 *Senate Journal* March 2, 1861 s.67

March 20th, the *New York Times* reports*:*

> *"The British bark 'True Briton', with a cargo valued at $200,000, from London to Victoria, sustained serious damage off Cape Horn, and put into Falkland Islands, where her cargo will be sold to pay expenses."*

April 25th, Edward Wallace Goodlake is gazetted Stipendiary Magistrate at Stanley. Following a proclamation:

"On paying £5, any individual could obtain a one-year, non-renewable licence, for a station to "contain as near 6,000 acres as may be convenient having regard to natural boundaries." On building a wood or stone house of a given size and placing at least 50 cattle or 100 sheep on the property, the licensee could obtain a ten years' lease at £10 per annum. If stock numbers dropped below these levels, or if the lessee or an employee did not occupy the station, the Crown could resume possession. Within five years, the lessee would be required to purchase 160 acres at a price of eight shillings per acre." [3461]

June 24th, *Fantome* strikes Billy Rock and sinks. Re-floated she is taken into Stanley.

August 1st, at Stanley, James Robert Longden is appointed Postmaster.

September 17th, in Argentina, following a series of revolts, Buenos Aires and the Confederation again take up arms against each other. At Pavón, the army of Bartolome Mitre, Governor of the State of Buenos Aires, forces that of the Confederation to retreat. [3462]

"When Mitre finally marched unopposed into Santa Fe, the advance was greeted as a tacit acknowledgement of submission to Buenos Aires by Uzquiza and the provinces. In 1861 Buenos Aires and the other provinces thus finally conceded their mutual needs, a complementarity of interest that bred both conciliation and consensus."[3463]

"Mitre thereupon imposed his will on the other provinces and reunited Argentina." [3464]

December 12th, Bartolome Mitre takes command of the nation with the *de facto* title of *Governor of Buenos Aires in charge of the National Executive Power* (*Gobernador de Buenos Aires Encargado del Poder Ejecutivo Nacional*).

1862 – in **February**, Governor Moore reports from Stanley.

> *"The tables of shipping will show a gradual but decided increase in the number of vessels which have availed themselves of the great advantages of this port for obtaining fresh meat, vegetables, water and provisions of all kinds and, where damaged, can be repaired at less cost than at any other port on this coast of America. The aggregate tonnage of shipping entered at this port during the past year amounted to 21,327 tons being an increase over the preceding year of 5,285 tons."*

March 31st, Edward Macartney is appointed Colonial Secretary for the Falkland Islands.

Guanacos (*Llama guanicoe*), are introduced to East Falkland Island.

"... in the mid-1840s the first appointed governor of the Falklands, Richard C. Moody, noted the similarity of vegetation and climate between the islands and the eastern Patagonia. Moody suggested because of the value

3461 Bernhardson 1989 p.320
3462 Confederation forces left the field; allowing Mitre to claim victory.
3463 Rock 1987 p.123
3464 Pascoe 2020 p.216

of its wool and skins, that the introduction of guanacos into the Falklands could be 'worthy of the alternative consideration of the enterprising settler'." [3465]

June 27th, survivors from *Cubana*, destroyed by fire in the Atlantic, reach Stanley.

In **July**, the Falkland Islands Company considers the potential for Penguin skins as ladies accouterments.

> *"Mr Coleman mentions Penguin Skins as used for Ladies wear. Is there a market for 20,000 or 30,000 of them? & what price wd (sic) they fetch each or per lb in Cargo numbers."* [3466]

"The Government eventually passed ordinances to prevent the FIC from performing commercial killing of penguins on Crown land. This legislation was meant not to preserve the seabirds but rather to allow settlers to continue collecting eggs for food." [3467]

In Paris, France, an Atlas is published featuring maps by F. A. Garnier (below right).

"... although it never constituted a political unit or mobilized any kind of autonomous pretensions, Patagonia used to appear as a potential political unit independent of both Chile and Argentina. Sometimes, their outlines appeared demarcated with a different color used to cut silhouettes of Chile and Argentina; at other times, the toponym "Patagonia" had a status equivalent to that of neighbouring countries (inscribed on the map itself or identified in the title of the sheet." [3468]

September 10th, Capt. James George Mackenzie is gazetted Governor of the Falkland Islands. [3469]

October 12th, in Buenos Aires, Bartolomé Mitre assumes the Presidency of all 14 provinces of the Argentine Republic, following election and acclamation by an electoral college of delegates from the provinces. [3470]

"On 12 October 1862 a newly elected national congress confirmed Mitre as president of the whole of Argentina (the 14 provinces of which the country thereafter consisted, without the Falklands and as yet without Patagonia). ... It might have been expected that once Argentina was reunited, protests against Britain's possession of the Falkland Islands would resume after a gap of only 13 years between 1849 and 1862. If the Falklands had been important to Argentina, there would have been several ways of reopening the dispute.... But no such thing happened." [3471]

3465 *The enigma of guanacos in the Falkland Islands: the legacy of John Hamilton* William L. Franklin & Melissa M. Grigione 2005. A type of llama, these appear to have died out in the 1870s. *cf.* 1871

3466 Quoted in Blair 2023 citing *Despatch 103, July 22-30, 1862*.

3467 Blair 2023

3468 *"La patria es una e indivisible" Los modos de narrar la historia territorial de la Argentina* Carla Louis 2012

3469 *The London Gazette No.22662.* For a biography, see - https://www.falklandsbiographies.org/biographies/mackenzie_james

3470 Rock 1987 p.125, Patagonia was not a province in 1862. It may be argued that, forty-six years after declaring its independence, the United Provinces of the Rio de la Plata finally achieved Statehood. Attaining independence from Spain had been hard enough. Uniting into a single nation, harder still.

3471 Pascoe 2020 p.216

October 17th, Argentine Law 28 is promulgated.

> *"Art.1. All the territories existing outside the limits, or possession of the Provinces, are national, although they had been alienated by the Provincial Governments since March 1, 1853."*

"The definitive consolidation of the national State and the conformation of the provinces did not solve the problem of the administration of the entire national territory, since there were spaces that were left out of the provincial governments. It was about the spaces that were occupied by native peoples and over which no provincial government or the national government exercised jurisdiction. To solve this situation, Law 28 was passed in 1862, which established that all spaces subject to national jurisdiction but located outside the provincial limits should be considered as national territories. In this way, Argentina assumed the formal sovereignty of the lands it had inherited from the Viceroyalty of the Río de la Plata and prevented the figure of res nullius from being accessed in those territories." [3472]

Researcher's Comment: Deliberately vague. The Viceroyalty de la Rio de la Plata had not included Patagonia except for a few coastal sites of which only Puerto Deseado survived any length of time. In 1740, Spain had signed an agreement with the tribes of Patagonia limiting its southern expansion to no further than the Rio Saladillo, south of Buenos Aires. This law, was the first step in Argentina's colonization of Patagonia. An announcement of intent.

In **November**, from Spain, Vice-Admiral Luiz Hernández de Pinzón leads a much heralded diplomatic and scientific mission to South America in *Resolucion*, *Senora del Trifuno* and *Covadongo*.

"... the O'Donnell government, in Isabella's name, sent a "scientific expedition" to South American waters. It was to be one of the least productive – though expensive – expeditions in the annals of scientific endeavour. Its research results are undetectable. Probably only the scientists themselves were unconscious of the true intent of their sponsors... The confidential instructions given to Pinzon made clear a concealed objective: the pursuit of the financial and legal claims of Spanish citizens still living on the continent." [3473]

"Captain Croquer (Trifuno) saw the expedition's role as exclusively diplomatic; to him the scientific part was an irrelevance and a nuisance. He violently objected to the presence of the scientists, impeded their research, threw some of their specimens overboard, and posted a guard with fixed bayonet to keep them in their quarters." [3474]

November 22nd, at Port Stanley, Governor James Mackenzie arrives aboard HMS *Satellite*. [3475]

3472 Argentine Congress August 3, 2006 *Document 4302-D-06. cf.* 1740 1884, 1990 & 2009

3473 Woods 2011 p.52. The Vice-Admiral's orders have never been published. The scientific nature of Pinzón's mission was merely a ruse to cover his real purposes; which were almost totally diplomatic. Or not very diplomatic, as later events in Peru would demonstrate. See *The Bombardment of Paradise: March 31, 1866: why the Spanish attacked Valparaiso and the British and American Fleet merely watched* David J. Woods 2011. One of Pinzón's tasks would seem to have been to establish whether there were still any Spanish loyalists in South America.

3474 Pascoe 2020 p.230

3475 Sworn in on the 24th.

1863 – in **January**, in Buenos Aires, Spanish Vice-Admiral de Pinzón meets with President Bartolomé Mitre.[3476] As regards a new treaty of recognition, Pinzón advises Mitre to send an envoy to Madrid.

January 30th, in the Falklands, Waite Hockin Stirling, Secretary of the Patagonian Missionary Society, arrives at the mission on Kepple island with his wife and two daughters. [3477]

February 27th, in Berkeley Sound, Vice-Admiral Pinzón arrives aboard *Resolucion*. He fires a salute to the British ensign, before inviting Governor MacKenzie on board his flagship. Diplomatic gifts are exchanged. [3478]

"... on February 28, after having suffered strong storms, they dropped anchor in the magnificent harbor of Stanley, a town unique in the Falkland Islands. They remained in this port until April 9. ... Stanley will have about one hundred inhabitants, English settlers and Argentinean fishermen of seals, .., extracting oil and skin;.." [3479]

"The "visit" by Pinzon's expedition was simply forced by the weather conditions, and with the sole objective of repairing their ships. Such a long stay occurred simply due to the lack of necessary materials... the Captain of a vessel is not authorized, nor does he have the capacity to recognise the sovereignty of a territory on behalf of his State." [3480]

"... they had suffered no damage in the Strait except that the Resolución had lost an anchor and a few men had been injured." [3481]

February 28th, *Nuestra Senora del Triunfo*, arrives to join Pinzón. [3482] Naturalists collect samples from around the Islands. [3483]

"Mackenzie allowed the members of the expedition to move around freely, and they made many visits ashore; the scientists and chief officers were invited to several homes in Stanley, and the Colonial chaplain, Charles Bull, showed them his greenhouse full of European plants. The US commercial agent, William Smyley, accompanied the naturalist Francisco de Paula Martínez y Sáez and the expedition's taxidermist Dr Bartolomé Puig on a trip on horseback around part of East Falkland, and the expedition acquired several hundred scientific specimens from the islands,..." [3484]

3476 Pinzón's primary mission in Argentina was to resolve a question relating to the status of children born in Argentina to Spanish nationals.

3477 Following the death of his wife in 1864, Stirling returned to England in 1865 with his daughters. For a biography, see - https://www.falklandsbiographies.org/biographies/stirling_waite

3478 Notably, the Admiral arrived in Berkeley Sound just 30 years after Onslow's ejection of the trespassing Buenos Airean garrison in 1833. This would seem unlikely to have been a mere coincidence. Thirty years is a magical figure when it comes to sovereignty; often recognised as the legal period in which sovereignty can be achieved through prescription. Pinzón's was a voyage of diplomatic discovery, but he found no Spaniards at Stanley, and no issues over which he needed to negotiate. That Spain's representative insisted – insisted – on saluting the British flag is recognition indeed. Spain had done with the Falklands.

3479 *Breve descripcion de los Viajes Hechos en America por la Comision Cientifica Enviada por el Gobierno de SMC durante los anos de 1862 a 1866 ...* Don Manuel de Almagro 1866.

3480 Kohen & Rodríguez 2017 p.173. They appear to have forgotten their claims of an act of possession over the Falklands by a privateer out of Buenos Aires in 1820. If an Admiral has no authority, what then of a privateer turned pirate?

3481 Pascoe 2020 p.230. Contrary to some suggestions, the Vice-Admiral was not forced to put into Stanley by inclement weather.

3482 The compliments of the two ships amounted to over 1400 men. Far larger than the population of Stanley.

3483 Caillet-Bois (1982 p.404) asserts that the Governor refused to allow Pinzón's naturalists access to the island and kept the two vessels in quarantine during their stay at Stanley. That was not the case. Some of the samples collected still reside in the Museo de Ciencias Naturales in Madrid.

3484 Pascoe 2020 p.230 citing *For Science and Glory: the Spanish Scientific Expedition to America, 1862-1866* Robert Ryal Miller 1968.

A Falkland Islands population survey, records 352 men and 214 women as present.

March 2nd, from Stanley, Governor MacKenzie notifies London of the arrival of the Spanish ships.

> *"... it gives me great pleasure to inform you of the friendly spirit evinced by the Spanish Admiral who, although I previously informed him that I was unable to return a salute, fired the usual number of Guns to our Flag."* [3485]

"In 1863, at the same time that Spain was negotiating a treaty recognizing the Republic of Argentina as a sovereign state, the British Governor of the Falkland Islands officially received a Spanish diplomatic and scientific delegation to the British Falkland Islands and received no protest." [3486]

"The good relations between the Spanish expedition and the British authorities in the Falklands are legally significant. ... They fired a salute to the British flag, they accepted official and friendly contact with the governor, and they spent six weeks in the islands ... They made no reference to any Spanish claim ...." [3487]

March 3rd, in Stanley, William Horton Smyley, unrecognised Commercial Agent of the United States, purchases a stone house in Crozier Place from John Markham Dean for £60. [3488]

March 20th, Vice-Admiral Pinzón's log notes the presence of an Argentine sealing ship at Stanley. [3489]

March 25th, in Buenos Aires, representatives of a Welsh immigration society arrive to discuss the founding of a settlement in Patagonia. Discussions involve the British *charge d'affairs,* William Doria.

"... when it was suggested that the Argentine Congress would approve the settlement if the British Government would cede the Falkland Islands to Argentina. The charge responded that it would be wrong for the Argentine Congress to consider that there was the slightest hope of this happening." [3490]

"A committee of gentlemen of North Wales came to this country in 1863 and proposed to the Argentine Government a scheme for establishing a colony of their countrymen on a somewhat large scale in Patagonia. After some negotiation an agreement was signed between them and the Government by which it was stipulated that on condition of the latter granting a certain quantity of land and providing some stock and protection, the committee would introduce annually for ten years from 300 to 500 families. The contract required the sanction of Congress, by whom it was at once rejected. The principal arguments made use of against it were the religion of the proposed colonists and that wherever a body, however small, of the Anglo Saxon race had established itself, they had always finally succeeded in possessing themselves of the whole country. It was added that in this particular instance the colonists would be supported in their ambitious views by the neighbourhood of our establishment at the Falkland Islands. For it was proposed that the Colony should be established on the Coast of Patagonia a few leagues south of New Bay between 43° and 44° South Latitude..." [3491]

3485 Quoted by Mateo Martinic in Tatham (ed.) 2008 p.426

3486 *UN Doc A/66/677. Permanent Representative of the UK (Mark Lyall Grant) to the United Nations 27 January 2012*

3487 Pascoe 2022 vol.3 p.47 & p.51.

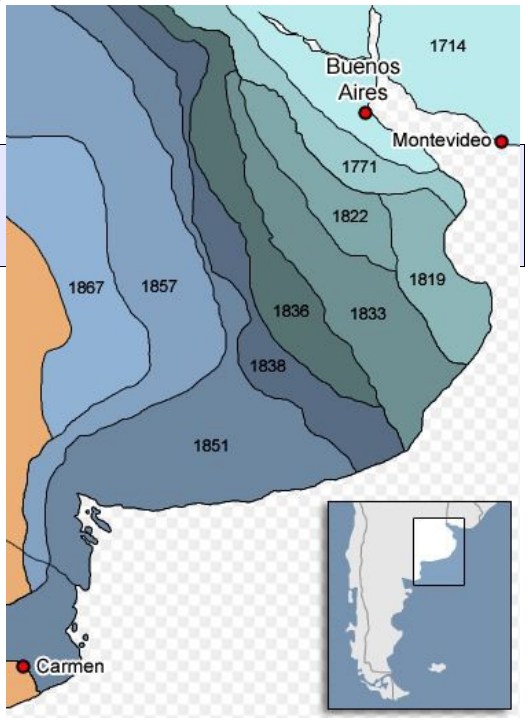
3488 The house in Crozier Place is now the Globe Tavern.

3489 Apparently, the *Seventh of March* (Noris). Five months out from the Rio Negro with a quantity of seal oil and skins. Nories had rescued the captain and crew of *Marietta Burr*, and delivered them to Stanley where they were more likely to find a ship home. Stanley's *Ships Register* however, does not record the presence of this vessel until April 3, 1863.

3490 Biography of *Joseph Seth Jones* by Frank Mitchell in Tatham (ed.) 2008 p.312. The only source cited is that of Jones's diary. There is no Consular record.

3491 *Edward Thornton to Foreign Secretary Lord Russell May 25th, 1865* in *FO 6/502/577.* Also *Segunda cronología legal anotada sobre las Islas Malvinas (Falkland Islands)* Enrique F. Vieyra 1992 pp.376-377, although the translation differs. In particular, Vieryra gives the proposal as coming from the Argentine Government which was not the case. Thornton was Britain's Minister Plenipotentiary to Buenos Aires.

"Argentina asked the British ambassador in Buenos Aires, Sir Edward Thornton, if Britain was prepared to cede the Malvinas to Argentina, in which case there would be no objection to a Welsh population settling in Patagonia. To ask Britain to cede the islands naturally implies that Argentina regarded Britain as having title to them – to cede a territory necessarily entails possessing it legally in the first place. That request was therefore yet another indication that Argentina accepted that the islands were de jure British territory." [3492]



Researcher's Comment: Patagonia was not part of the Republic of Argentina in 1863, although there had been a gradual encroachment into tribal lands from 1819 (see map right).

April 2nd, from San Francisco, Britain's Consul reports the departure of the *Francis Palmer*, bound for the Falklands in search of treasure rumoured to be buried there.

> "*It appears three or four different parties got this information from Wagener and all intended to send an expedition so satisfied were they of the truth of the story,..* " [3493]

"... said Wagener on or about the year 1853 (he) was in the Falkland Islands, that whilst there he was acquainted with a man named Johnson known as 'Pirate Johnson', that said Johnson told him in strict confidence that he had been on board a Pirate vessel when a boy, that the treasure taken by the Pirate was deposited in a vault in one of the Group of the Falkland Islands about 20 miles from Port Stanley..."[3494]

April 9th, from the Falkland Islands, Pinzón's ships sail for the Magellan Strait; after the expeditions' official photographer, Rafael de Castro, has taken pictures of Stanley. [3495]

June 15th, Edward Rogers Griffiths is appointed Stipendiary Magistrate at Stanley.

In **September**, the Welsh immigration society hear from Buenos Aires, that their application has been refused.

"Notwithstanding this rebuff the Welsh gentlemen still persevered in their effort to carry out this scheme, and the Argentine Government were not unwilling to help them as far as their power extended." [3496]

September 21st, in Madrid, the Argentine Republic and Spain sign a *'Treaty of Recognition, Peace and Friendship'*. [3497]

3492 Pascoe 2020 p.214

3493 *FO 6/502/562.* In a statement made to the Consul, Wagener was described as a Dane.

3494 *FO 6/502/565*

3495 These first photographs of Stanley are not stored at the Museo de Ciencias Naturales in Madrid with the rest of the expeditions' collection. However, they are reproduced in Pascoe 2022 vol. pp.48-49. Pinzon's squadron sailed from the Falklands into the Pacific, where they seized some Chilean islands and managed, rather undiplomatically, to start a small war between Spain and Chile that lingered on until 1885. *cf.* 1866.

3496 *The Role and Symbol of Myth in the Welsh Settlement of Patagonia* William I. Stevenson 1972 (unpublished thesis – Glasgow University) p.82

3497 If a new State was entitled entitled to inherit on succession/secession, then this was the moment that Argentina inherited rights and responsibilities from Spain over the territory it controlled; or, arguably, could control. Spain, however, no longer had any part of the Falklands archipelago that it could bestow upon the Republic of Argentina, while Argentina had no control over any part of the archipelago.

Diplomatic relations are established for the first time since the declaration of independence by the United provinces in 1816.[3498]

> *"Article 1: Your Catholic Majesty recognises the Republic or Confederation of Argentina as a free, supreme and independent nation that consists of all the provinces mentioned in its present federal Constitution, and other legitimate territories that belong or* ***could belong*** *in the future. According to the Spanish Parliament Act of December 4th 1836, the Kingdom renounces any rights and actions on the territory of the Republic."* [3499]

"Spain transferred to the Argentine Republic, by means of the September 1863 treaty, the full territorial sovereignty of all the provinces mentioned in its current Federal Constitution and of the other provinces that legitimately belong to it or henceforth belonged to it, renouncing "the sovereignty, rights and actions that corresponded to him."..." [3500]

".., it seems appropriate to say that the Argentine state is not the heir of the colonial state but something entirely new. It was the product of a very fortunate set of circumstances, including certainly the war against Paraguay, which was the war that consolidated the fragile national state born in 1860." [3501]

"... when Spain and the newly reunited Argentina signed a Treaty of Recognition, Peace, and Friendship in Madrid on 21 September 1863, finally formalising Spain's recognition of the independence of the whole of Argentina including the Province of Buenos Aires, Spain did not regard Argentina as including the Falkland Islands, and for many years Argentina made no such assertion either. In the 1860s the Spanish and Argentine governments both regarded the Falklands as British," [3502]

Following an investigation based upon the rumours from San Francisco, the Falklands' Governor reports that, no treasure can been found in the Islands. [3503]

In **October**, *Foam*, an 84-ton yacht, is purchased for the carriage of mail between Stanley and Montevideo by the British Emigration Board.

October 4th, off East Falkland Islands, *Adeline*, a Prussian barque loaded with sugar, is wrecked.

3498 Ratified by Argentina November 7, 1863. Ratified by Spain January 9, 1864. Ratifications exchanged June 20, 1864.

3499 My emphasis. In December, 1836, the Spanish Cortes had limited its recognition of the new Latin American States to a *de facto* (in fact) state, while *de jure* (in law) required a treaty of recognition. *Article 4* referred to debts etc., and to an evacuation by Spain on May 25, 1810. The date that Buenos Aries refused to recognise the *Junta* in Spain. Spain did not withdraw from the Island of Soledad (East Falkland) until February 13, 1811. *cf.* 1810, 1811 & 1836

3500 *El Problema de las Malvinas* R. D. Alejo 1982

3501 Escudé 2008

3502 Pascoe 2020 p.232

3503 *Francis Palmer* returned to San Francisco in December

1864 – January 6th, a second expedition leaves San Francisco; *"... in search of a concealed treasure."* [3504]

January 8th, at Port Stanley, a replacement party of Royal Marines arrives; consisting of an officer and 20 men, 7 wives and a number of children. Also two surgeons with their families. [3505]

March 1st, damaged off Tierra del Fuego, American clipper *Snow Squall* is taken to Stanley. Condemned as a wreck. [3506]

May 29th, at the Falklands, the US ship *Frank Pierce* runs aground. Crew rescued.

August 10th, in Uruguay, fighting erupts between two political factions; one side aided by Brazil and Argentina.[3507]

In **September**, the Welsh Immigration Society has another attempt at relocating to Argentina.

"An agent was again sent out about eight months ago, in reply to whose urgent solicitations Dr. Rawson. Minister of the Interior, declared that the Government could do no more than was permitted by law, viz: to grant to each family 25 Squares of land (A square is about 18,496 square yards). (They) declared themselves themselves satisfied with this condition, added to a promise on the part of the Government that they would endeavour to obtain better terms for them from Congress." [3508]

October 8th, in Stanley, the Star Hotel opens. [3509]

October 17th, FIC manager, John Rodgers Rudd, is murdered by a gaucho, Manuel Gil.

"There are multiple theories about Gil's motives, but based on the reactions of Governor James George Mackenzie, it is clear that there was widespread fear among the British managerial class that "all the Spaniards resident in the islands" were complicit, if not directly involved, in conspiring for the manager's death." [3510]

November 12th, Paraguay breaks off diplomatic relations with Brazil.

December 21st, *Cosopolite*, out of Swansea, puts into Stanley with its shipment of coal on fire. Scuttled. [3511]

3504 *FO 6/502/577*

3505 Remaining until the formation of a police force in 1878.

3506 Carrying gunpowder, *Snow Squall* discharged her cargo at Stanley, and was purchased by the Falkland Islands Company to be was used in the construction of a dock. In 1982, a 32-foot section of the remains were returned to Maine in the US. Since 1995, the bow section has been on display at the Maine maritime Museum.

3507 The unsupported Blanco Party quickly found itself pushed back to Montevideo where it surrendered in February, 1865. An unremarkable conflict in itself but which, following Paraguay's intervention on behalf of the Blancos, initiated the War of the Triple Alliance (1864-1870); considered the deadliest, and bloodiest, inter-state conflict fought in South America.

3508 *Thornton to Russell May 25, 1865* in *FO 6/502/577*

3509 Renamed The Rose shortly after, by its owner Thomas Aldridge.

3510 Blair 2023 p.37 citing *Mackenzie to Cardwell November 16, 1864*

3511 Later re-floated.

1865 – at the Falklands, Friar Patrick Dillion visits to administer to the Catholics there.

"At that time there were about 200 Catholics and they had no priest. Fr. Dillon spent a few months among them and administered the sacraments." [3512]

In **April**, from Britain, a party of Welsh settlers leave for Argentina.

"I understand that about 250 Welshmen left England in April last for New Bay... The members of Congress have expressed some indignation that the Executive should have encouraged the establishment of the Colony notwithstanding the peremptory manner in which their body rejected the contract made in 1863." [3513]

April 15th, reported in *The Spectator*:

> *"The first point of interest with relation to the colonies is their acquisition. Out of the forty-eight now possessed by England, twenty-two only were originally settled from this country. Our Australian possessions are entirely the result of settlement, as also are the stations on the West Coast of Africa. The group known as the Leeward Islands, Bermuda, Vancouver's Island, British Columbia, the Bahamas, Barbados, St. Helena, and the Falkland Islands were also all acquired by genuine colonization. The remainder of the forty-eight have all been wrested by force from other powers, France and Holland having been the principal sufferers."*

May 1st, in Buenos Aires, during a speech to the Argentine Congress, President Bartolomé Mitre refers to the disputes of 1845 to 1850 and subsequent treaties with Britain and France.

> *"Having arranged with justice and equity the claims found pending by the present Government with subjects of Her Britannic Majesty and of His Majesty the Emperor of the French, and having fulfilled with scrupulous punctuality the engagement entered into by the Government in those arrangements, there was **nothing to prevent** the consolidation of friendly relations between this country and those governments."* [3514]

"If there had been a dispute between Britain and Argentina over the Falklands, there would have been something to prevent that consolidation." [3515]

May 25th, following a conversation at the Interior Ministry, Britain's Minister in Argentina, Edward Thornton, writes to Foreign Secretary Lord Russell regarding a Welsh settlement in Patagonia.

> *"Dr Rawson is anxious to conciliate Congress and tells me that he is about to present a memorial upon the subject to the Legislature. As we were conversing upon the subject, His Excellency stated to me that the principle objection Congress had to the establishment of an English Colony in Patagonia was the proximity of our settlement at the Falkland Islands; and after some further observations, amongst which he insinuated that altho' England, having the power was quite right in Keeping possession of those Islands, de jure she had no claim to them.*
>
> *His Excellency asked me whether Her Majesty's Government would not be disposed to take into consideration the possibility of the Islands being **ceded** to the Argentine Republic, adding that if it were in his power to put forward this prospect, Congress, he was convinced, would put no obstacle in the way of the original contract with the Welsh Committee being carried out.*

3512 Murray 2005

3513 *FO 6/502/581*

3514 *Los Mensajes 1810-1910* Heraclio Mabragaña 1910, vol.3 p.227. My emphasis. See 1845. From this time, claims arose with regard to losses suffered by British subjects during that period (see below).

3515 Pascoe 2020 p.233

I replied to Dr. Rawson that as to our right to the Falkland Islands, which was undoubted, I had nothing to add to the note addressed to the Argentine Government in 1829 by Mr. Parish in compliance with orders from his Govt., and to that written by His Majesty's Principal Secretary of State for Foreign Affairs in reply to the claim made upon the subject in 1833 by Mr. Moreno, the Buenos Airean Minister to the Court of St. James, and I added that to question our right would not be the most likely means of inducing us to give it up. But I assured His Excellency that he would do wrong in encouraging the slightest hope that Her Majesty would even listen to any proposal for ceding the Falkland Islands which, on account of constantly increasing numbers of sailing and Steam vessels, both of the Merchant service and of the Royal navy, which went around Cape Horn, and through the Straits of Magellan, were every year becoming of greater importance as a Station in a course where we had no other possession." [3516]

"During my presidency, I also addressed this issue (Falklands) although I did not believe it appropriate to give it an official character or to reopen it in the field of diplomacy. ... At the time the Minister of Great Britain was Mr Thorton (sic) ... I spoke to him several times over this matter and (we?) agreed that this establishment didn't have for England the importance which it used to be given, insinuating that it could even be a burden without a purpose for its old colonial policy, however, he expressed in general terms England was prepared to keep its Royal possession as a part of the British Empire. I didn't think it would be prudent to go any further because there wouldn't be a result which would place me in his confidence and even less to go into an official negotiation based on the pending claims." [3517]

"Once again, the British Government insisted on its position of unwillingness to discuss the issue." [3518]

"To ask Britain to cede the islands naturally implies that Argentina regarded Britain as having title to them – to cede a territory necessarily entails possessing it legally in the first place. That request was therefore yet another indication that Argentina accepted that the islands were de jure British territory. Thornton merely replied that he had nothing to add to what Woodbine Parish had said in 1829, or to what the British government said in 1833. The Welsh immigrants settled, and Argentina did nothing;..." [3519]

May 27th, from the port of Liverpool, 153 passengers sail on the barque *Mimosa*. Passengers include 70 Welsh families, all bound for South America to settle the Rio Chubut region. [3520]

July 25th, from Buenos Aires, aware that Argentina's Legation at Washington DC is to have a new Minister, Luis Vernet writes to solicit assistance in his claims against the US Government; as regards the action by the USS *Lexington* in December, 1831.

"The undersigned has the honor to place in the hands of Your Excellency the claim that he has (had) against the U.S. government for more than thirty years, for the damages and detriment he suffered from the destruction of the Colony by the US "Lexington" Corvette, Don Silas Duncan, on December 1, 1831, to deign to render him the help that corresponds to an Argentine citizen, as unjustly outraged

3516 *Thornton to Russell May 25, 1865* in *FO 6/502/577*. My emphasis. Interesting to note that the British Minister was fully aware of the 1829 Protest made by Woodbine Parish to the Argentine Confederation and of the diplomatic exchanges of 1833/34. However, a similar protest to that of 1829, registered with the Confederation in 1832 by Minister Henry Fox, appears not to have been logged at the British Legation. Its absence may be the result of the reluctance with which Fox delivered it. *cf.* 1829 & September, 1832

3517 Bartolmé Mitre quoted in Rozas 1948. The UK considered the matter settled with the peace treaty of 1850, with nothing still 'pending'.

3518 Kohen & Rodríguez 2017 p.165. Quite the contrary, discussed and rejected.

3519 Pascoe 2020 p.214

3520 Far to the south of any area of Patagonia controlled by Argentina in 1865.

and ruined in his fortune as is contained in the Collection of Official Documents with which the Excellent Argentine Government instructed in 1832 the Legislative Body, of the origin and state of the pending issues with the Republic of the United States of America, as to the Malvinas Islands. … this claim he trusts that in the wisdom of Your Excellency you will try to obtain in favor of the undersigned a fair and equitable settlement of the claims, which this letter initiates and which will henceforth be continued by the attorney-in-fact of the undersigned, Senor Colonel Don Prince Cilley, … who is at present the sole agent of the undersigned of the US, having revoked the powers previously granted to others. …" [3521]

July 28th, with Mimosa unable to navigate the shallow waters of the Chubut River, the Welsh settlers come ashore at New Bay, Argentina.

September 15th, the Welsh finally arrive in the Chubut Valley, where they found the settlement of Rawson. [3522]

"… the laying out of a road network was carried out by an Argentinian. He was Julian Diaz, who had arrived at the nascent colony, on the orders of Senor Rawson, on September 15th with a party of soldiers from the frontier fort of Carmen de Patagones ***in order to raise the Argentine flag*** *and to ensure that the Welsh settlement was complying with Argentine colonisation laws."* [3523]

"The only successful agricultural colony was that of the Welsh in Argentina. The Welsh Emigration Society had for some time been looking for an isolated spot where Welsh language, culture and religious nonconformity could be preserved. After rejecting California, British Columbia and Australia, the Society alighted upon Chubut in north-east Patagonia, 800 miles south of Buenos Aires. The first 150 colonists landed, singing hymns, in July 1865. Y Wladfa survived the first difficult years, partly because of the spirit and determination of the colonists, but mainly because of the support given by the British community in Buenos Aires and by the Argentinian government which was anxious to settle the area."[3524]

November 9th, in Washington DC, Argentina's newly appointed Minister, Domingo Sarmiento, presents his credentials to the US Government.

3521 Quoted in Fitte 1966 pp.453-454. *cf.* 1831, 1832, 1842 & 1884
3522 Stevenson 1972. Rawson was named after Argentina's Minister of the Interior. *cf.* 1902
3523 *Ibid*. p.18. My emphasis. This was not Argentine territory, but the arrival of the Welsh present an opportunity too good to miss.
3524 Bethell 1989

1866 – January 4th, at Port Stanley, the *Marquis of Worcester* arrives – on fire. [3525]

US Commercial Agent William Horton Smyley returns to Stanley after two years in the USA.

April 6th, from the United States, Minister Sarmiento writes to Argentina's Foreign Ministry with regard to Vernet's letter of 1865; requesting authority to take up the case. [3526]

> *"The file of this Legation not being in my possession, while my predecessor General Alvear was in charge of it, and having no instructions of any kind in the matter, I have not thought it prudent to resume the management of this serious matter, preferring to address Your Excellency in order to ask for orders to act, and advise that if they are sent to me, it will be necessary to find out the whereabouts of the file, and if during the time that the Secretary has dealt this matter with the United States Government."* [3527]

"Sarmiento, sent a note to his Minister of Foreign Affairs, Rufino de Elizalde, in which he made a detailed analysis of the issue and requested the authorization to request from the American Government, amongst other things, the payment "to the Republic of Argentina of millions of... strong pesos for compensation of all damages, including the loss of the Malvinas Islands, without implying a renunciation to recover them on the part of the Argentine Republic"." [3528]

April 21st, *Orange of Nassau*, out of Glasgow, puts into the Falklands – on fire. Scuttled and condemned.

April 25th, in Washington DC, Minister Sarmiento receives his government's authority to pursue the compensation claim submitted by Luis Vernet.

"Sarmiento himself had thought better of it, since (after) he was authorized by the General Mitre Government to support Vernet's claim – April 25, 1866 – he did not take any step in that direction during the three years he was in this place, until he retired on July 23, 1868,.." [3529]

In the Falkland Islands, on the same day, long-time resident Antonina Roxa takes out a farm lease.

"In 1866 she took a 10-year lease on a station of 6,000 acres around Smyley's Creek, which she worked as a cattle ranch with her second husband Pedro Varela, though she did not live for the full term of the lease..." [3530]

May 1st, in Buenos Aires, at the formal opening of Argentina's Congress, Vice-President Marcos Paz refers to an old dispute from 1845.

> *"The British Government has accepted the President of the Republic of Chile as arbitrator in the reclamation pending with the Argentine Republic, for damages suffered by English subjects in 1845. This question, which is the **only one** between us and the British nation, has not yet been settled."* [3531]

3525 Returned to Swansea in ballast.

3526 *Sarmiento a Rufino de Elizalde, abril 6 de 1866* in Fitte 1966 pp.449-452

3527 Fitte 1966 pp.449-452.

3528 Kohen & Rodríguez 2017 p.165. Sarmiento was clearly unaware of the conversations between his predecessor and the US government with regard to the *Lexington* raid, as no file remained at the Legation. In January, 1842, an agreement had been reached between General Alvear and Secretary Webster whereby the 1832 dispute would be put aside and "*left for later.*" A deferment that had facilitated the resumption of diplomatic relations in 1844; and a treaty in 1853. *cf.* 1831, 1832, 1839, 1842 & 1884

3529 *Dominguez a Ortiz, 25 de abril, 1884* in Fitte 1966 p.461. Missing from the files, this authority was mentioned by Minister Dominguez in his letter to Foreign Minister Ortiz of April, 1884.

3530 Pascoe 2020 p.236. See 1869

3531 *British and Foreign State Papers 1866-1867* 1871 p.1009. Also Mabragaña, 1910 vol.3 p.238. My emphasis.

"That statement by Vice-President Paz is a clear case of "overt acquiescence", i.e. a public statement of consent to another party's position... clear evidence that Argentina consented to Britain's possession of the Falkland Islands." [3532]

At Port Stanley, USS *Kansas* anchors for an official visit. [3533]

From the new Welsh settlement at Rawson, two Welsh colonists relocate to the Falkland Islands. [3534]

May 19th, William Cleaver Francis Robinson is gazetted Lieutenant-Governor of the Falkland Islands. [3535]

May 31st, in the Falklands, *La Santiago*, an Argentine ship, is wrecked on George Island. [3536]

At Stanley, *Menzies*, out of Swansea, puts into the port on fire. Scuttled, she is later refloated.

June 24th, the Falklands new Lieutenant-Governor, William Robinson, arrives aboard HMS *Spiteful*. [3537]

> *"... with wages so high and food in abundance the settlers are prosperous and contented. Poverty and distress are unknown, sickness rarely visits the Colony, the people are loyal, the laws are respected and harmony and good feeling prevail amongst all classes of Society."* [3538]

June 26th, in Berkeley Sound, after an eventful voyage during which it lost its rudder, the Spanish ship *Resolución,* arrives under tow by HMS *Spiteful*. [3539]

> *"... We have Received a new Governor By the Name of Robinson what Sort of a Man he is is more than I Can tell at present. The Spanish Frigget Resolution is here in distress Loss of Rudder & Manny of her Crew down with the Scurvy. She will probily Remain here until the Last of October...."* [3540]

"Unlike the first visit in 1863, this visit was a genuine emergency, and the ship spent almost three months in Stanley harbour till 18 September." [3541]

August 3rd, Lieutenant-Governor Robinson is promoted to Governor and Commander-in-Chief of the Falkland Islands and Dependencies. [3542]

August 10th, at Port Stanley, a Spanish ship, *Colón*, arrives with supplies for the crew of *Resolución*.

September 18th, *Resolución* sails for Spain. *Colón* for Montevideo.

Farming is established on West Falkland Island.

3532 Pascoe 2022 vol.3 pp.54-55
3533 *The New York Times* June 30, 1866
3534 Stevenson 1972 p.25
3535 *The London Gazette No.23118.* For a biography see - https://www.falklandsbiographies.org/biographies/robinson_sir
3536 The crew survived and were picked up on August 20, 1866 by the Falkland Islands Company schooner *Fairy.*
3537 Governor Mackenzie handed over and sailed for England on July 3, 1866.
3538 Governor Robinson entry in the 1866 Falkland Islands Blue Book.
3539 Eventful is something of an understatement, Crew numbers had been reduced from 711 to 500 with many sick, Pinzón had been replaced; the ship was rudderless and in a poor condition. See Pascoe 2022 vol.3 pp.58-62. In 1882, one of the ships' officers, Alejandro Fery y Torres, in describing the voyage between 1862 and 1866, referred to '*Las Falklands*' noting that they had passed from Spanish to British "*rule*." See *Viaje de regreso de la Resolucion* Alejandro Fery y Torres, Madrid 1882: reprinted Madrid 1940.
3540 *Smyley to Seward August 2, 1866* quoted in Pascoe 2022 vol.3 p.64
3541 Pascoe 2020 p.232.
3542 Which '*Dependencies*' were not stated.

"West Falkland had been largely ignored since the British return but in 1866 James Lovegrove Waldron established a sheep farm at Port Howard. The only cattle there descended from the landings of 1840 but they had fared badly compared to East Falkland, partly through depredations by whalers and sealers. There were cattle on some outlying islands before the 1830s, notably Pebble Island. Johnny Evans was the first to shoot feral cattle there when the Dean Brothers introduced sheep in 1866." [3543]

"... in 1866 the brothers Robert and Edward Packe leased 118,000 acres on West Falkland, at Fox Bay East, Dunnose Head, and a station near Port Howard still known as Packe's Port Howard." [3544]

September 25th, in Berkeley Sound, an American passenger vessel, *Charles Cooper*, arrives, crippled. [3545]

Santiago, en-route to France, is wrecked at the Falklands.

1867 – it is reported that four vessels employed in the penguin and seal oil trade in the Falklands have collected 50,700 gallons of penguin oil during the season. Governor Robinson imposes a system of licensing on penguin oil whereby a tax of £10 is payable on each 8000 gallons of oil obtained from Crown Lands.

February 19th, at Stanley, HM surveying vessel *Nassau* (Mayne) anchors in the harbour. [3546]

"Between five and six p.m. we entered Port-William, and about an hour later we were lying at anchor in Stanley Harbour, which we all concurred in regarding as one of the most wretched-looking places which we had ever seen—the settlement, on this cold, rainy afternoon, appearing very dreary, with its gray stone houses scattered along the side of a bare, low, bleak hill." [3547]

February 20th, HMS *Zealous* anchors at Port Stanley. [3548]

March 23rd, at Kepple Island, Waite Hockin Stirling arrives back after a two year absence; Superintendent of the Patagonian Missionary Society. [3549]

May 8th, from Stanley, Charles Hansen is granted a licence to take penguins on Steeple Jason to the amount equivalent to 16,000 gallons of oil.

May 31st, in Falklands Sound, a British barque, *Coquimbana*, carrying copper and barley, runs aground.

August 11th, at Stanley, Adolphe Alexandre Lecomte arrives in the coal-ship *Epsilon.* He has instructions from the Zoological Society of London to collect specimens for the zoo's collection.

August 18th, at New Island, *River Derwent*, out of Liverpool, is wrecked.

3543 Wilson 2016
3544 Pascoe 2020 p.236
3545 Condemned and sold for use as a storage hulk, before becoming a part of the Jetty Head. No trace remains.
3546 Primarily to take on coal. Departed March 2, 1867
3547 *Notes on the Natural History of the Strait of Magellan* Robert O. Cunningham 1871 p.156
3548 *Ibid*.
3549 *cf.* 1863 & 1869

1868 – January, *Narcissus*, the flagship of Rear-Admiral George Ramsay, anchors at Stanley. [3550]

January 13th, *Nassau* returns to Stanley; Commander Richard Mayne having been requested to survey the wreck of the barque *Coquimbana* for a Lloyds insurer. [3551]

February 5th, Charles Hansen is granted a further licence to take penguins on Steeple Jason. [3552]

February 13th, in Stanley, flags fly at half mast on news of the death of William Horton Smyley, from cholera, whilst visiting Montevideo.

"Men like Smyley pass from among us, but they leave their footprints." [3553]

"...(a) most remarkable man, and worthy of a more than passing notice. ... as a friend of humanity, and a benefactor to mankind, his deeds were heralded in both Europe and America, ... many nights, in Port Stanley Harbor, I have lain awake until long after the midnight hour listening to Captain Smiley's yarns..." [3554]

"William Smyley played a unique role in and around the Falklands. By the late 1860s he had been active in the South Atlantic for almost 40 years; his knowledge of its coasts and its dangers was unrivalled, and the many people he rescued owed their lives to his courage and seamanship." [3555]

April 19th, in Albemarle Waters, an Italian barque. *Peru* (Pio), is wrecked. [3556]

"It transpired that Captain Pio had insured his vessel and cargo for 300,000 French francs, and the suspicion arose that he had wrecked his ship deliberately to claim the insurance. The insurers, ... commissioned Captain Augusto Lasserre, ... to investigate on the spot in the Falklands." [3557]

At Stanley, George M. Dean is appointed Vice-Consul for the USA.

In **May**, Governor Robinson writes to inform the Colonial Secretary that West Falkland is now fully leased.

During **June**, Adolphe Lecomte captures four sea lions and arranges to transport all his specimens to Montevideo aboard the packet *Fawn*. [3558]

In **August**, Lecomte arrives back in England with one surviving sea-lion, a few birds and a single Warrah.

"The only quadruped native to the island, is a large wolf-like fox, which is common to both East and West Falkland. Have no doubt that it is a peculiar species and confined to this archipelago ... These wolves are well known from Byron's account of their tameness and curiosity ... Their numbers have rapidly decreased ... in all probability this fox will be classified with the dodo, ..." [3559]

3550 Cunningham 1871 p.291.

3551 *Ibid*. Departed February 1, 1868. Compliant with normal practice, the ship's master had sold the wreck by auction. In this case to an Argentine national, Luis Piedra Buena, for £250 for the wreck and cargo. However, with the cargo of barley and copper valued in excess of £9,000, the vessels insurers protested. Following Mayne's inquiry, the Governor reversed the sale in favour of the insurers. Mayne considered the whole transaction to be a "*swindle*". Piedra Buena was, however, deemed to have acted in good faith. On sailing from the Islands, *Nassau* conveyed a wreck party from *Narcissus* to remove the copper.

3552 To an amount equivalent to 8,000 gallons of oil. Renewed again in July, 1868.

3553 *Buenos Aires Standard* quoted Dickinson 2007 p.57

3554 *Ocean Life in the Old Sailing Ship Days: from forecastle to quarter-deck* Capt. John D. Whidden 1908

3555 Pascoe 2022 vol.3 p.74

3556 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.* The crew survived and were taken to Stanley, from where they transferred to Montevideo on *Louisa*.

3557 Pascoe 2022 vol.3 p.79. See below.

3558 *Report of the Council of the Zoological Society of London April 30, 1866.* The majority of Lecomte's large collection of specimens died on the voyage due to poor handling.

3559 Charles Darwin, who encountered a Warrah in 1833.

October 10th, Argentina's government grant Staten Island (Statenland/Isla de los Estados) to Luis Piedra Buena, who sails to the Falklands in order to purchase cattle for a new settlement. [3560]

"From 1828 to 1868, when it was granted in donation by the Congress to Mr. Piedrabuena, forty years (it) was abandoned, completely vacated. Consequently, it was a wasteland, which Congress could dispose of without taking into account the resolution of the Government of the Province of Buenos Aires." [3561]

"By the concession of 5 January 1828 the Buenos Aires government had granted Louis Vernet not only East Falkland but also "the Island of Statenland on the coast of Tierra del Fuego". ... But by 1868 all that had been "forgotten" ... the government once again riding roughshod over Vernet's concession. Oddly, Louis Vernet did not protest at being thus robbed of part of his grant, but was perhaps stung by it into a renewed attempt to obtain compensation for other losses ..." [3562]

1869 – In **January**, from Kepple Island, Superintendent Waite Hockin Stirling of the Patagonian Missionary Society moves to a site near the Beagle Channel; to live among his parishioners. [3563]

February 14th, in the Falklands, Antonina Roxa dies on her farm. [3564]

"Towards the end of her life, Antonina is said to have lived in a small hut in the vicinity of Arch Green. J.J. Felton and his family really enjoyed her (company) because she had a lot of personality and sometimes would accept an invitation to come to his house for a drink. Toasting the family with cherry (brandy?), she said: "Go'tell, Mr. Felton. Go'tell Mrs Felton". This always amused them, because although she presumably meant "Good health", in Antonina's broken English it sounded like "Go to hell"." [3565]

March 18th, at Stanley, Fred E. Cobb is recognised by the Governor as Consul for Belgium. [3566]

In April. Joseph Powell is appointed Commercial Agent for the USA.

May 1st, in Buenos Aires, President Sarmiento presents his *'Message to Congress'*.

> *"Nothing is claimed from us by other nations; we have nothing to ask of them..."* [3567]

"The statements by Mitre, Paz and Sarmiento in 1865, 1866 and 1869 constitute an official, repeated, public confirmation that Argentina had no territorial dispute with Britain and as such confirmed Argentina's consent to Britain's possession of the Falklands." [3568]

June 14th, Frederico E. Cobb is gazetted Italian Consul in Stanley.

July 26th, Captain Augusto Lasserre visits Port Stanley to investigate the insurance claim submitted by *Peru*'s owners, regarding the wreck and loss of cargo in April, 1868. [3569]

August 17th, Charles Hansen is granted a further licence to take penguins on Steeple Jason; to an amount equivalent to 16,000 gallons of oil.

3560 Nothing seems to have come of this plan for a settlement. *cf.* 1828, 1869, 1878, 1879, 1882 & 1887
3561 Francisco J. Ortiz addressing Argentina's Senate on August 11, 1882 in *Congreso Nacional: Camara de Senadores: Sesion de 1882.* In 1828, Staten Island had been granted to Luis Vernet.
3562 Pascoe 2022 vol.3 pp.73-74. See October, 1869 below.
3563 Near the site of the modern city of Ushuaia on Tierra del Fuego.
3564 *Register of Deaths and Register of Burials*, in JCNA, Stanley. Exact age uncertain, circa 65.
3565 Canclini 2014 citing Capt. William Parker Snow.
3566 Noted in the *Falkland Islands Statistical Review* (Blue Book) of 1870. The Consulate ceased in 1878.
3567 Mabragaña 1910 vol.3 p.286
3568 Pascoe 2022 vol.3 p.77
3569 *Ibid.* p.79. Lasserre determined that the vessel had been over-insured and deliberately wrecked. *cf.* 1881 & 1884

October 9th, in Argentina, Luis Vernet's eldest son, L. Emilio Vernet, contracts with his father to pursue the family claims against the USA and Britain. Vernet also obliges his son to pursue the owner of *Superior*, Silas E. Burrows, for allegedly breaking a contract signed by his Captains, Davison and Congar, in 1831. [3570]

October 19th, at Stanley, Fred E. Conn is recognised as Consul for the North German Confederation. [3571]

November 16th, Joseph Powell is appointed as the United States Commercial Agent to the Falkland Islands.

On his return to Buenos Aires, Captain Lasserre writes to the journalist José Hernández. [3572]

> *"... I send you the following lines, which may be of some interest to you, for the double reason that the islands are the property of the Argentinians and because they nevertheless remain little known, or not known at all, to the majority of their legitimate owners. It is not my intention, nor do I think it opportune, to enter into political considerations on the non-return of that immense territory which we have lent to the British, a little against our will; but I do not wish to let pass this opportunity without deploring the negligence of our governments, which have allowed time to pass without remembering that unsettled claim, and by their unpardonable indifference ...*
>
> *It is to be supposed that the erudition of the present National Government understands the importance of that restitution, which it has a duty to demand from Her Britannic Majesty, since those islands are by their geographical position the key to the Pacific, and are no doubt destined for a great future... It is you gentlemen of the press who have the responsibility, if the case arises, of dealing with that question."* [3573]

"He notes with some surprise that the British government accorded no freehold possession of land to anyone, not even the Falkland Islands Company, and asks whether such a restrictive policy was caused by a consciousness of insecurity of tenure, the British government perhaps envisioning a time in the not-too-distant future when the territory might be ceded to "its legitimate owners, the Argentinians, who are owners with double justification since it was part of the Viceroyalty of the River Plate when Argentina became independent, and because Universal Law, the Rights of Peoples, declares the States nearest to islands to be the legal owners of them". That of course was wildly untrue, then as now. And leasehold tenure was perfectly normal in Victorian Britain (and still is now), though it was mysterious to outsiders." [3574]

November 19th - 20th, in Argentina, Lasserre's letter to Hernández is published on the front page of the newspaper El Rio de la Plata. [3575]

"He described Stanley, which "consists of only two streets leading to the port," with a detailed description of the houses, warehouses, greenhouses, and other parts of the town. He was surprised that "despite the small population, there are two very strong business houses in the town: that of the Falkland Islands Company and that of Mr. Jorge Dean." And he stated: "Very few Argentines have remained in the Malvinas after the unjust

---

3570 Burrows had never been a party to that contract, which, it was claimed, had not been entered into freely by Captains Davison or Congar. *cf.* September, 1831, April, 1833 & March, 1835. Also 1871, 1879, 1878, 1882 & 1887

3571 *Falkland Islands Statistical Review* (Blue Book) 1870

3572 Also editor and owner of the newspaper *El Rio de la* Plata founded August 6, 1869..

3573 *El Rio de la Plata* November 19-21, 1869 quoted in Pascoe 2022 vol.3 p.79 citing *José Hernández: Las Islas Malvinas* Joaquín Gil (ed.) 1952 p.18. Mostly a descriptive account.

3574 Pascoe 2022 vol.3 p.80

3575 *Ibis.* p.79 fn.3. Published first on the 19th, and republished with some errors removed on the 20th. See also *Las Malvinas, el Gaucho Rivero y la construcción de un mito nacional (1956 – 2012)* 2022 F. G. Lorenz 2022 citing *Las Islas Malvinas* J. Hernández 2006

English occupation. Those who still exist there are no more than twenty, all of them employed as laborers or foremen on the estancias, a job they excel at above many foreigners." Lasserre later alluded to the hospitality he had received from the Scots and the integrity of the English Governor Robinson." [3576]

November 26th, in *El Rio de la Plata* by José Hernández:

> *"The interesting account of our distinguished friend Mr. Lasserre's trip to the Malvinas Islands, which we published a few days ago in El Río de la Plata, has rightly attracted the attention of the learned press and has been read with profound and widespread interest throughout the population.*
>
> *Argentines, especially, have not been able to forget that this is a very important part of the national territory, usurped at the mercy of unfavorable circumstances, in an uncertain era, when nationality was still struggling with the obstacles to its definitive organization.One can easily understand and explain this deep and jealous sentiment of peoples for the integrity of their territory, and how the usurpation of a single inch of land unsettles their future existence, as if a piece of our flesh were being taken away. Usurpation is not only the violation of a civil and political right; it is also the infringement of a natural law.*
>
> *Peoples need the territory with which they were born into political life, as we need air for the free expansion of our lungs. To absorb a piece of their territory is to deprive them of a right, and this injustice involves a double attack, because it is not only the dispossession of a property, but also the threat of a new usurpation. The precedent of injustice is always the fear of injustice, for if the acquiescence or indifference of the aggrieved people consolidates the conquest of force, who will defend them tomorrow against a new attempt at dispossession or usurpation? The people understand or feel these truths, and their concern is the unrest of all the peoples whom history points to as victims of similar attacks. Wherever there has been a disregard for territorial integrity, we have always witnessed the efforts of the aggrieved people to reconquer the usurped territory.. ...*
>
> *Meanwhile, the Argentine government, which has fully paid all debts arising from injury to foreign nationals, which has to date had close and cordial relations with all European and American governments, except in Paraguay, has not obtained redress for the serious damage caused to a citizen of Argentina for the destruction of the colony Soledad, not least by the usurpation of the Falkland Islands, seized by the British at a time when governments imprudently flaunted the material advantages of force at a given moment. We must believe that this is due to the indifference of our government, or the weak efforts that have been submitted to the foreign cabinets. ...*
>
> *We happily find ourselves in a new and special situation. The last thirty years have marked a series of great moral and material advances. It is no longer the display of force that supports any action in the diplomatic world. Governments have now understood that there is no other legitimate and respectable force than the force of law and justice; that abuse is never legitimized and always leaves a hateful mark on the foreheads of those who commit it. History and morality have taught them that sooner or later an attack committed in the name of force is atoned for, because those who today take advantage of relative inferiority will tomorrow find another, stronger power that will use the lesson learned from a depressive and criminal act to its advantage.*
>
> *...it is the most sacred duty of the Argentine Nation to safeguard the honor of its name, the integrity of its territory, and the interests of the Argentine people. These rights never expire. And since the occasion*

3576 *Malvinas:entre Lasserre y Hernández* in *La Prensa* April 29, 2019. No Argentines remained from Vernet's Commandancia of 1829/1832 in 1869. Those seen by Lasserre were much later arrivals.

presents itself, with public opinion rightly concerned by the timely publication of Mr. Lasserre's interesting letter, we feel it our duty to address the serious issues arising from the aforementioned events. We draw the attention of the entire Argentine press to matters of such high political and economic importance, which we will return to in due course." [3577]

"Both Lasserre and Hernández provide significant support for the view that successive Argentine governments had dropped any claim to the Falklands. Lasserre refers to "the negligence of our governments, which have allowed time to pass without remembering that unsettled claim, and by their unpardonable indifference making the integrity of the Republic of Argentina more and more impossible to achieve with each day that passes"; Hernández repeats the same passage, and castigates "the indifference of our governments" and "the feeble way in which they have presented themselves to foreign governments". What both of them failed to note is that if governments do not act, then circumstances change; history moves on... Britain exerted effective sovereignty over the Falklands, and Argentina failed to raise the slightest objection." [3578]

December 29th, in London's Westminster Abbey, Waite Hockin Stirling is consecrated as the first Bishop of the Falkland Islands; with a diocese extending across South America.

1870 – February 24th, William Colonel George Abbas Kooli D'Arcy is gazetted Governor of the Falklands.[3579]

March 27th, the new Governor arrives at Port Stanley.

March 31st, Don Jose Sanchez Bazan is appointed Consul for Chile at Stanley. [3580]

In Argentina, Luis Vernet prepares documents to assist his eldest son in pursuing a claim against the Argentine State, seeking compensation for his losses in the Falkland Islands.

"... shortly before his death, Vernet drew up several drafts of a claim that he planned to present to the Argentine government – at that time chaired by Domingo Sarmiento – requesting the delivery of public lands in the Chaco as a just compensation for the losses he had suffered in the Malvinas as a result of the occupation of 1833. In these texts, apart from recounting his experiences, he reviewed the production of the colony: ... He also refers to the huge numbers of bighorn cows then existing – some 40,000, he estimates – that, in 1870 (the year in which he wrote), the British were finishing tithing in favor of sheep farming." [3581]

April 5th, at Port Stanley, survivors of a wreck, *Maid of Athens*, which foundered on Staten Island (Islas de los Estados), arrive in the ship's longboat.

July 1st, Charles Williams is granted a licence to take penguins on Grand Jason to an amount equivalent to 3,000 gallons of oil.

July 12th, a United States whaling barque, *Alto,* is wrecked when it unexpectedly encounters Jason Cay West; an islet in the north-west of the archipelago. Not, apparently, marked on the ship's charts. No loss of life.

August 18th, in Berkeley Sound, *Jhelum* arrives in a poor condition. [3582]

3577 *El Rio de la Plata* November 26, 1869 No.92. There was no government comment. With illiteracy rates above 75%, it seems unlikely that many people noticed.
3578 Pascoe 2022 vol.3 p.81
3579 For a biography, see - https://www.falklandsbiographies.org/biographies/darcy_george
3580 *The London Gazette No.23603*
3581 Jiminez, Alioto & Villar 2018 citing *AGN-FLV 127 047 – 684.* Vernet only ever made losses in the Islands.
3582 This vessel would subsequently be declared unseaworthy in February 1871. Her remains still lie off Stanley.

November 8th, Falklands' acting-Colonial Secretary, Henry Byng, ships a pair of Warrahs to London Zoo. [3583]

"... as Mr Darwin prophesied would probably be the case, the animal, formerly so common, has now become almost extinct on the Falklands, the depredations it commits upon the Sheep having rendered its extirpation necessary." [3584]

December 4th, in the Islands, a Prussian schooner, *Vampyr,* is wrecked in Low Bay.

1871 – January 17th, in San Isidro, Argentina, Luis Vernet dies, aged 79; *"Although he is celebrated on Argentine stamps as a patriot, specialist Argentine historians consider him a traitor, because of his dealings with Britain, both before and after the British return to the Falklands. He was not always truthful in what he said, and his falsehoods have sometimes mislead historians."* [3585]

February 24th, at Port Stanley, Prince Alfred, Duke of Edinburgh, arrives in HMS *Galatea.* [3586]

> *"On Monday Captain Packe organized an Expedition for the Prince to Mare Harbour, 50 miles distant from the Settlement [Stanley] to the southward, here his Royal Highness remained till the following Wednesday evening shooting Guanacos, wild Geese, Duck and Snipe, etc."* [3587]

"The tenure of these Guanacos was short and most likely they were shot out before becoming established." [3588]

April 11th, in the Falkland Islands, Gregoria Parry (nee Madrid), one of the indentured slaves taken to Port Louis by Luis Vernet in 1828, dies at her home of apoplexy. [3589]

"Gregoria was aged about 16 when she arrived; she lived in the islands for 42 years and was the last survivor from Vernet's establishment – and the oldest established resident of the islands – when she died in Stanley on 11 April 1871. In the Falklands these Africans lived further south than any other black people in the world, and played a notable part in the history of the islands. The fact that so little is known about them is a sad reflection on the times they lived in." [3590]

April 13th, in Stanley, a girl is born to William and Isabel Lewin at Marmont Row. Named Mary Ellaline. [3591]

At the Falklands, a population census identifies 811 people present in the islands.

May 8th, under the *Treaty of Washington*, the USA and the UK agree to submit their many and various grievances to an arbitration panel in Geneva. Compensation to be set by the arbitrators. [3592]

3583 *Review of the mounted skins and skulls of the extinct Falkland Islands wolf, Dusicyon australis, held in museum collections* J. J. F. J. Jansen & S. D. van der Mije 2015. Only one survived the journey; expiring shortly thereafter.

3584 Unattributed source citing the 1870 London Zoological Register and an accompanying letter written by Henry Byng.

3585 Peter Pepper in Tatham (ed.) 2008 p.546

3586 He remained until March 3rd.

3587 Dispatch from Governor D'Arcy quoted in Franklin & Grigione 2005. A type of Llama introduced in 1862.

3588 *Ibid.*

3589 A teenager on arrival, Gregoria's age was recorded as 28 in both 1842 and 1846. Probably about 58 years old at the time of her death. Married to Francis Henry Parry, goaler and constable. *cf.* 1828, 1832, 1833, 1842, 1846 & 1856

3590 Pascoe 2020 p.100

3591 Father, wife and daughter returned to England shortly after the birth. The father adopted the stage name of William Terriss and became a well-known London actor before his murder in 1897. His daughter, as Ellaline Terris, also found fame on the stage. One play in 1902, *Quality Street*, would inspire the popular chocolate brand, tins of which featured the play's characters. Marmont Row, Stanley had been built in 1854 by Jacon Napoleon Goss. See 1842

3592 Dating back to the American Civil War of 1861-65, when Britain had declared itself neutral. Breaches of its neutraility including the building and resupply of warships/privateers for the Confederation. The privateer CSS *Alabama* being one of the most notorious.

*"Now, in order to remove and adjust **all** complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's Government, the High Contracting Parties agree that all the said claims, growing out of acts committed by the aforesaid vessels and generically known as the "Alabama Claims," shall be referred to a Tribunal of Arbitration to be composed of five Arbitrators, …"* [3593]

May 14th, in Buenos Aires, ex-President Bartolomé Mitre addresses the Argentine Senate on outstanding border issues; speaking only of those affecting relations with Bolovia, Brazil and Chile. [3594]

May 16th, in Washington DC, preparing for the UK/USA Geneva arbitration (*Alabama*) claims, the US Senate calls for all papers relating to the *Hudson* and *Washington* seizure in 1854. President Grant refers this to the Secretary of the Navy.

May 17th, US Secretary of the Navy, George M. Robeson, sends the relevant records to the President's office. [3595]

"I have the honor to acknowledge your reference … and to transmit herewith a copy of a despatch dated April 1, 1854 from Commo. W.D. Slater, at that time commanding the Brazil Squadron, together with the report and correspondence therein mentioned, from Commander W. F. Lynch, regarding the subject of the Senate's inquiry." [3596]

June 19th, in the Falklands, the British barque, *Princess*, loaded with pig iron, sinks in Port Sussex.

July 7th, Manuel Pereira is granted a licence to take penguins on Grand Jason to an amount equivalent to 3,000 gallons of oil.

August 15th, Nelson O'Brien is granted a licence to take penguins on Steeple Jason to an amount equivalent to 2,000 gallons of oil.

August 24th, on the Falklands coast, the British barque, *Mary Davidson*, out of Aberdeen, founders. [3597]

September 28th, at Stanley, Fred E. Cobb is recognised as the Consul for the German Empire. [3598]

December 15th, in Geneva, the USA submits its grievances under the *Treaty of Washington* for arbitration.

"The tribunal met for the first time at the Hotel de Ville on 15 December 1861 (sic), when the parties presented their written Cases. … The US case was … a hard-hitting adversarial document which attacked not only the competence but the good faith of the British Government. It devoted one section to describe "The Unfriendly Course Pursued by Great Britain toward the United States from the Outbreak to the Close of the Insurrection", making strong complaint of (but basing no claim on) the British neutrality proclamation. … It was also a substantial document, running in its original edition to 480 pages, with seven volumes of supporting documents." [3599]

3593 *Treaty of Washington 1871* Art.1. My emphasis. See also *The Triumph of Diplomacy Through International Arbitration: The Alabama Claims and the Geneva Arbitration Tribunal of 1872* Samuel M. Fuchs 2011

3594 Rozas 1948. No mention was made of any outstanding dispute with Britain over the Falklands.

3595 Where they remained for eight months. Pascoe (2020 p.213) argues that these claims were considered by the Geneva arbitration tribunal of 1871/72 – the *Alabama Claims* – concerned with breaches of the UK's declared neutrality during the American Civil War. I can find no evidence for that. The Falklands claims from 1854 were held back by the US President until after the set date for submission to the arbitration panel in December, 1871. Following further negotiations in 1872, no indirect claims were considered by the tribunal. See 1854, above, and September, 1872, below.

3596 *The Papers of Ulysses S. Grant: 1871 – 1872: Jun.1 – Jan.31 LS, DNA, RG 46, Presidential Messages*

3597 Exact location uncertain. Jason West Cay has been suggested. The survivors were rescued 27 days later by the *Florie*.

3598 *Falkland Islands Statistical Review* (Blue Book) 1871

3599 *The Alabama Claims Arbitration* Tom Bingham 2005 in *The International and Comparative Law Quarterly* January 2005 vol.54 no.1

1872 – in London, lawyers for the British Government studying the American claims are dismayed to discover claims not directly concerned with Britain's asserted neutrality during the civil war.

"... the peace was shattered early in the New Year of 1872 when, studying the US Case, the British found that it advanced, in Chapter VI, all the heads of indirect claim which (Charles) Sumner had advanced in his Senate speech three years earlier. There was uproar in the press and in Parliament. Government and opposition were at one in holding that these claims could not be the subject of arbitration. The British contended strongly that they were outside the arbitrators' terms of reference,..." [3600]

January 14th, at Stanley, Waite Hockin Stirling is enthroned as the first Bishop of the Falkland Islands.[3601]

January 16th, in Washington, a month after the United States formally submitted its arguments to the tribunal in Geneva, President Grant writes to the US Senate.

> *"In answer to the Resolution of the Senate of the 16th of May last, calling for papers, correspondence and information relating to the case of the ship Hudson and the schooner Washington I transmit reports from the Secretaries of State and of the Navy, and the papers by which they were accompanied."* [3602]

In the Falkland Islands, a Presbyterian Minister of the Free Church of Scotland, the Rev. A. Yeoman, arrives. His services are to be employed at Darwin at the expense of the Falkland Islands Company. [3603]

"The minister arrived at the beginning of 1872 ... For some time, the services were carried out in the kitchen house, but when it was decided to have the school, it was resolved that if we guaranteed the payment of the minister and provided the teacher, a more suitable building that that of the kitchen should be provided ..." [3604]

"In 1871, many shepherds situated on the Falkland Island Company's main farm at Darwin were of Scottish origin, and members of the Free Kirk of Scotland. Finding a growing need for a minister of their own, they undertook, with the assistance of the Company to employ a minister for Darwin, and in 1872, Rev Yeoman took up the appointment." [3605]

Fr. William Walsh passes through Stanley en-route to Australia, spending a short time administering to the Islands' Catholic population. [3606]

March 5th, from Patagonia, an attack is launched by a tribal chief, Kalifükura, on the Province of Buenos Aires. Some 200,000 head of cattle are driven off to be sold to the Chilean government. Over 300 Argentines are killed.[3607]

3600 *Ibid*. Senator Charles Sumner had given a speech in the US Senate on April 13, 1869 opposing an earlier agreement to go to arbitration which he considered insufficiently wide to encompass all the complaints of the USA and did not allow for claims of losses by individuals. He had not mentioned the 1854 Falklands incident, however. He did demand that Britain hand over Canada as compensation.

3601 With responsibility for the Anglican Church across a huge swathe of South America, the diocese administrative office was in Buenos Aires. Stirling's own address remained as Kepple Island.

3602 *The Papers of Ulysses S. Grant: 1871 – 1872: Jun.1 – Jan.31 LS, DNA, RG 46, Presidential Messages SED, 42-2-19* Wharton (1887 p.65) cites the report by Secretary of State Fish as being in *Senate Ex. Doc. No. 19, 42d Cong., 2d sess.* A deliberate omission, or mere incompetence? Hard to say, but the President may not have wished a foreign tribunal panel to deliberate the sovereignty of the Falkland Islands. *cf.* Fuchs 2011

3603 Rev. Yeoman served until 1883; replaced by a G. H. Phillips who carried on until 1893.

3604 *Falkland Islands Company Report* May 30, 1903 quoted in Canclini 2014. See 1873, below.

3605 *The Falkland Islands* Ian J. Strange 1983 p.95

3606 Murray 2005

3607 Considered by many to be the precursor for the War of the Desert which saw Argentina colonize Patagonia. Kalifükura was of Mapuche-Araucanian descent.

"The southern tip, although claimed by the Spanish, was never occupied by the Crown and was indigenous territory until the end of the nineteenth century. ... What is today the Argentine province of Neuquén was the territory where the Indians fattened the cattle they stole in the province of Buenos Aires, to then transport it to sell in the Chilean markets. The Indians drove their cattle through what is now the province of Buenos Aires, then indigenous territory, along a trail known as the "Camino de los Chilenos". Chilean claims to the south grew concomitantly with its increased influence in that region. Thus, while the Chilean constitutions of 1822, 1823, 1828 and 1833 established the border between Chile and Argentina along the Andes mountain range to Cape Horn, by the 1870s Chile already claimed all of Patagonia south of the Negro River." [3608]

In **June**, Britain's government challenges the US submission to the Geneva tribunal; claiming it exceeds the original treaty provisions; *"... in the beginning of the year 1871, it was well understood by both Governments that the United States maintained that Her Majesty's Government ought, under the laws of nations, to make good to them the losses which they had suffered by reason of the acts of all the cruisers, typically represented by the Alabama—whether those losses were caused by the destruction or vessels and their cargoes; by the prolongation of the war; by the transfer of the commerce of the United States to the British flag; by the increased rates of insurance during the war; by the expense of the pursuit of the cruisers; or by any other of the causes enumerated in the President's message to Congress in 1869. Nor can it be doubted that they intended to reserve the right to maintain the justice of all these claims when opportunity should offer, nor that they regarded all these several classes of losses as embraced within the terms of the general generic phrase "Alabama claims". "*[3609]

June 25th, in Geneva, the US representative informs the *Alabama* Claims tribunal that indirect claims not concerned with British neutrality during the American Civil War, will not be pursued. [3610]

In the Falkland Islands, Charles Hanson leases Carcass Island.

"In 1872 Karl Hansen bought the lease of Carcass Island and the Jason Islands, stocked them with sheep, and spent 20 years sheep-farming and sealing in the Falklands, initially as an "alien", which did not prevent him from leasing land, but on 5 January 1880 he was granted British citizenship as Charles Hansen." [3611]

A Buenos Aires merchant applies for permission to collect guano from Beauchene Island. [3612]

July 2nd, Manuel Pereira is granted a licence to take penguins on Grand Jason to an amount equivalent to 3,000 gallons of oil.

August 23rd, Nelson O'Brien is granted a licence to take penguins on Steeple Jason to an amount equivalent to 2,000 gallons of oil.

September 8th, in the Falklands, *City of Amoy* is wrecked at Mengeary Point; after its cargo shifts.

September 11th, Charles Hansen is granted a further licence to take penguins to an amount equivalent to 16,000 gallons of oil per year. The lease applies to all the Jasons, North Fur Island and Carcass Island.

September 14th, in Geneva, the tribunal considering the *Alabama Claims*, submits its decision.[3613]

3608 Escudé 2008

3609 *Office of the Historian: XIII. Nature and amount of Damages claimed by the United States* June 10, 1872.. See - https://history.state.gov/historicaldocuments/frus1872p2v3/d14

3610 Bingham 2005

3611 Pascoe 2020 p.237

3612 *The Island of South Georgia* R. Headland 1992. The result is not recorded.

3613 At the end of the arbitration process, on September 14, 1872, the tribunal ordered Britain to pay $5,500,000 to the USA in compensation. The final decision can be found here - https://legal.un.org/riaa/cases/vol_XXIX/125-134.pdf

1873 – a prefabricated church is shipped from Scotland to the settlement of Darwin in the Falkland Islands; accompanied by a teacher for the settlement's children.

"A large sum was raised and the building was shipped, free of freight, by the (Falkland Islands) Company, which also advanced the cost of its erection. The cost of the material (without freight) and the cost of the erection together came to 245 pounds." [3614]

"About this time, it was estimated that one third of the Falklands' population belonged to the Presbyterian church." [3615]

April 11th, in the Falklands, *Neptune* is wrecked on Kelp Islands.

June 15th, the *Stella Maris* Catholic chapel is completed.

1874 – February 7th, following an outbreak of cholera in Buenos Aires, the Health Officer at Stanley is instructed to; *"... be very guarded in giving pratique to vessels arriving"*, from that port. [3616]

At Fox Bay Station on West Falkland Island, a Warrah/Falklands Wolf (*Dusicyon australis*) is shot. [3617]

March 24th, in the Falklands, George Gerard takes over as Commercial Agent for the USA.

April 18th, *Anne Brookes* is wrecked in Fox Bay. [3618]

April 30th, gaucho James Millet is murdered by Robert Gonzales, who commits suicide the following day.

June 17th, the US promotes George Gerard to Consul at the Falkland Islands with the Agency at Stanley upgraded to a Consulate.

"... maintaining a consulate does imply recognition of the sovereignty of the authority in place. That is why Argentina has never had a consulate in the Falklands..." [3619]

September 4th, *San Greal* commanded by Capt. Samuel Kent, is lost in Ruggles Bay.

September 28th, at Port Stanley, the Anglican Minister, J. H. Lory, writes to the Governor.

> *"Sir, I have the honour to transmit to you the following statistics relating to the population of these islands. The population of Stanley consists of 267 adults and 242 children, a total of 509. Of these, 360 belong to the Church of England, 93 are Roman Catholics, 40 Presbyterians, and 16 belong to other denominations. Outside Stanley, on East Falkland Island, there are 159 adults and 125 children. Of these, 77 belong to the Church of England, 26 are Roman Catholics, 17 are Presbyterians and 7 are of other denominations. The total population of East Falkland is as follows: 437 of the Church of England, 119 Roman Catholics, 214 Presbyterians and 23 from other denominations.*
>
> *In West Falkland and other islands, there are 113 adults and 65 children, 178 in total. Of these 111 belong to the Church of England, 8 are Roman Catholics, 3 are Presbyterians and 7 belong to other denominations.*

3614 Falkland Islands Company report dated May 30, 1903 quoted in Canclini 2014. See 1872, above. Sometime after 1920, this structure was moved to Goose Green, some 2 km away. Ceased to be a church in 1966; used to confine the residents of Darwin and Goose Green in 1982 during the Falklands War. *cf.* 1982

3615 Strange 1983 p.95

3616 *The London Gazette, No. 24085* A *pratique* was the licence given to a ship to enter a port, on an assurance that the vessel was free of contagious diseases.

3617 *Falkland Islands Magazine* October 1894. Confirmed by three witnesses who wrote in to the journal following a request for information, this was the last recorded sighting on the Falkland Islands.

3618 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

3619 Pascoe 2020 p.228. The US, unlike most nations, does not necessarily see it that way.

In addition to these, there are 21 men working on the Jason [Islands] of different denominations (both pagan and religious) for whom I have obtained no data.

The total known population of the Falklands is as follows: 548 Church of England, 127 Roman Catholic, 245 Presbyterians, 30 other denominations, 21 of unknown religion. Of these 971, 539 are adults and 432 children. In addition there are 50 who have no known religion. Therefore, I can say that the current population of the Falklands is 1021. …"[3620]

October 9th, the Universal Postal Union is founded.

"It was founded on 9 October 1874 by the Treaty of Berne, signed by 22 countries including Britain. Its members now include the 193 members of the United Nations, plus the dependent territories of several of them including Britain, France, the Netherlands, New Zealand and the United States." [3621]

1875 – June 21st, at Stanley, George Gerard arrives as Consul for the USA.

"Sir, I have the honor to inform the Department that I have received yesterday, a despatch from the U.S. Legation in London, inclosing my Commission as Consul of the United States at Port Stanley accompanied with Her Britannic Majesty's Exequatur and that I have acknowledged their receipt, according to the request of the Second Secretary at the Legation in London." [3622]

"The issuing of the exequatur by Britain formalised the establishment of consular relations in the Falklands between the two countries and made that recognition explicit."[3623]

July 1st, Britain joins the General Postal Union.

The Republic of Argentina publishes a map for the forthcoming *Centennial International Exhibition* in Philadelphia (right). [3624]

3620 Quoted in Canclini 2014 citing *FIGA Official Documents* vol.1 p.431

3621 Pascoe 2020 p.238

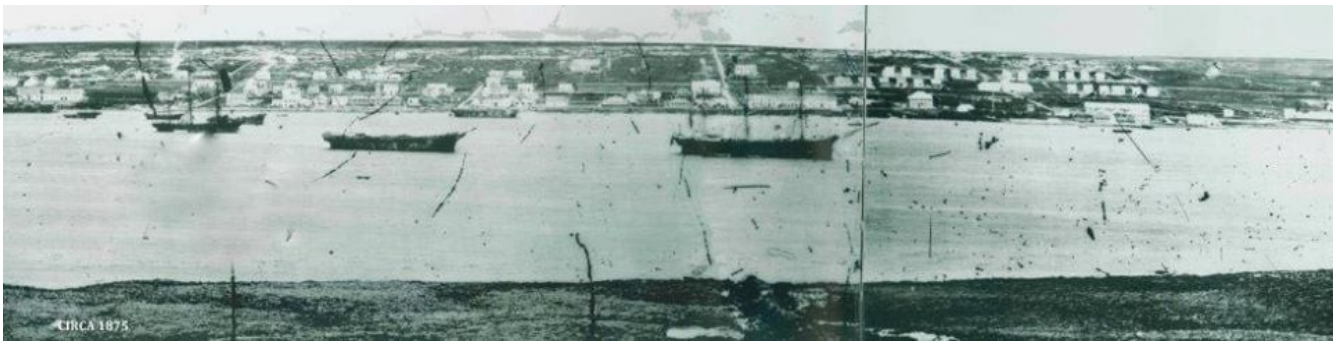
3622 *Gerard to US Assistant Secretary of State John Cadwalader August 3, 1875* in *UN National Archives microfilm T480, rill.1 no.29*

3623 Pascoe 2022 vol.3 p.89

3624 The southern border between Argentina and Chile was indicated by a dotted line which, on reaching Magellan's Strait, veered westward. That would have given Argentina all the territory south of the strait including the Pacific seaboard. As a result of the arrival of the Welsh settlers in 1865, Argentina now asserted possession of all the territory down to the Chubut river. The reality on the ground was rather different though, with indigenous tribes uncontrolled by Buenos Aires. See 1881.

Argentina's Minister of War, Adolfo Alsina, presents a plan to "*populate the desert*".

"(President) Nicolás Avellaneda (1874-1880), ... (initiated) a systematic program of defense against Amerindian attacks to the Argentine territory. The new strategy was based on the construction, inside indigenous territories, of a continuous trench that would halt the free movement of Amerindians into Argentine provinces. And series of forts connected by telegraph was built in addition to the trench. This entire complex was known as the Alsina's Ditch [Zanja de Alsina] for it had been conceived by Minister of the Army and Navy Adolfo Alsina. The ditch also served as the physical demarcation of the border, signaling the presence of the Argentine State in regions previously ruled "a la barbárie"." [3625]



Stanley c.1875

December 3rd, at Port Stanley, Friar James Foran arrives as the first resident Catholic priest.

"... after receiving permission from ecclesiastical authority, from 1880 to 1886 he spent half the year on the islands and the other half on the mainland. ... Fr. Foran also started a school for Catholic children in the islands." [3626]

1876 – January 13th, Britain signs a *Postal Convention* with Argentina. [3627]

"During the 1870s the Argentine government began to assume the responsibility for much of its own external mail service. The British and French abolished their postal agencies in Argentina and the local post office signed a postal convention with Argentina.." [3628]

"Signed by Diego de Alvear and John Filley, Secretary General of Posts, on January 13, 1876 in London, includes the mention of the islands in a "Demonstration table of postal rates". The treaty aims to "regulate by means of a convention postal communications between the Argentine Republic and the United Kingdom on a more liberal and advantageous basis for the inhabitants of the two countries."..." [3629]

January 22nd, in Port Stanley, HMS *Challenger* arrives on the final stage of her hydro-graphic survey circumnavigation. [3630]

3625 *The Journeys of Francisco Moreno: Views on nature in the southernmost part of Argentina 1873-1906* Frederico Freitas (undated)
3626 Murray 2005
3627 No protest or reservation with regard to the inclusion of the Falkland Islands.
3628 *British Mercantile Houses in Buenos Aires, 1810-1880* Vera Blinn Reber 1979
3629 *La cuestión Malvinas en los tratados anteriores a 1966* Enrique Aramburu 2014.
3630 *The Cruise of Her Majesty's Ship 'Challenger'* W. J. J. Spry 1877

"The ship reached Stanley Harbour in the Falkland Group, on January 23rd. The Falklands are a treeless expanse of moorland and bog, and bare and barren rock. Though it was summer, and the Islands are in about a corresponding latitude to London, a bitterly cold hail-storm pelted in my face as I was rowed to the shore. The islands are occupied as sheep and cattle-runs, and since sheep are found to pay best, they are supplanting the cattle, formerly so numerous, to a large extent. The mutton is most excellent, but the supply is so far in excess of the small demand, that the Falkland Island Company have a large boiling-down establishment, where their sheep are boiled down for tallow. I rode with Lieut. Channer 60 miles across the large island, on which the town of Stanley is situate, to Port Darwin, in order to examine some reported coal-beds, at the request of the Governor. The route lay over the dreary moorland, and wound and turned about in order to avoid the treacherous bogs. A Pass in the Falkland Islands means, not a practicable cleft in the mountains, but a track by which it is possible to ride across a bog. The horses born and bred in the island, know full well when they are approaching dangerous ground, and tremble all over when forced to step upon it. At every ten miles or so a shepherd's cottage was met with. Usually the shepherd was a Scotchman in the employ of the Falkland Company. Otherwise the entire route was uninhabited. Some of the shepherds are married. They seem well off and were very hospitable. These Scotchmen have almost entirely supplanted the "gauchos" from the mainland, who did all the cattle work at the time of Darwin's visit to the islands. They come out from home usually entirely unaccustomed to riding, but very soon become most expert withe lasso and bolas, and can ride and break the wildest horses. There were only two Spanish gauchos in the employ of the Company at the time of our visit. The Company's shepherds are each allowed eight horses, a fresh one for every day of the week, and a pack-horse. The horses feed together on the moorland near the shepherd's cottage, and keep together in a band though quite free. An old broken-down mare, which cannot roam far, is usually kept with each band. ... Though the gauchos themselves are a thing of the past in the Falklands, their Spanish terms for all matters connected with cattle and horses survive, and are in full use among the Scotch shepherds. Such a maimed animal as above described is accordingly called a "Chapin " (chapina, a woman's clog). The band of horses, which is called the Tropoja, never deserts the Chapina. A man, after riding 30 or 40 miles and about to change horses, merely takes the saddle off his horse, gives the animal's back a rub with his fingers, to set the hair free where the saddlecloth pressed, and lets the horse go. The horse never fails to return to its "tropoja" and feeding-ground. ... Mr. Fell, the head man of the Company at Darwin Harbour, told me that a band of horses will always stay with a mare that has a foal. ... Many of the seamen living at Stanley constantly visit the Straits of Magellan, and bring back with them very often Fuegian bows and arrows for their children to play with. The boys shoot at a mark with the stone-tipped arrows, and the tips are soon broken off and lost. The stone arrow-heads thus become scattered about the moorland anywhere near a habitation, and before long they are sure to be picked up, being indestructible. It must then be remembered that they are not proofs that the Falkland Islands were once inhabited by a savage race." [3631]

January 31st, in Stanley harbour, Able Seaman Thomas Bush falls overboard from the boat returning to *Challenger*. Hearing his cry, Lieut. Alfred Carpenter dives in from the ship. Bush dies from his injuries.

February 6th, HMS *Challenger* sails for Montevideo.

April 28th, in London, *Supplemental Letters Patent* are issued; *"... making further provision for the government of the "Settlements in the Falkland Islands and their Dependencies."*

3631 *Notes by A Naturalist on the 'Challenger' being an Account of Various Observations made during the Voyage of HMS 'Challenger' Round the World in the Years 1872-1876* H. N. Moseley 1879

May 10th, for the *Centennial International Exhibition* opening in Philadelphia, USA, a book describing the Argentine Republic is published by the *Argentine Central Committee for the Exhibition in Philadelphia*. [3632]

LA

REPÚBLICA ARGENTINA

OBRA ESCRITA EN ALEMAN

POR

RICARDO NAPP

CON LA AYUDA DE VARIOS COLABORADORES

Y POR ENCARGO

DEL

COMITÉ CENTRAL ARGENTINO PARA LA EXPOSICION EN FILADELFIA

[Con varios Mapas]

BUENOS AIRES

Imprenta por la Sociedad Anónima, calle de Belgrano, 189

1876

> *"The Malvinas or Falkland Islands belong to the territory of Patagonia, that, against all rights, they were possessed by England from the year 1833.* ***It is only in its hereditary right as successor of Spain, that the Argentine Republic bases its claimed dominion over these Islands****;* ***was in full possession of them when, on 3 of January 1833, the English warship 'Clio' hoisted in Puerto Ruiz the English flag****, repealing Argentine authority.* [3633]
>
> *It is true that since the time of Spanish dominance, England already claimed overlordship of the Falkland Islands; but she herself recognised that her pretensions were void as a consequence of the* ***protest made by Spain*** *against the expedition to these Islands, which England was preparing, this did not take place in the end; and when the current Argentine Republic had gained its independence and assumed its rights of possession over the territories that came to it from Spanish dominion, England had no problem recognising the young Republic as it was, without reserving its supposed rights to the Falkland Islands.* [3634]
>
> *The United States of America* ***recognized also the right of possession*** *of the Republic Argentina on these islands, because a conflict had taken place between the Argentinean authorities and North-American fishermen of seals,* ***the matter was settled*** *by the diplomatic channels between the countries, which proves palpably, that the government of Washington considered and recognized them as part of the Argentine"* [3635]

3632 *La Republica Argentina por Ricardo Napp con la atuda de various colaborades y por encargo del Comite Central Argentino para la Exposicion en Filadelfia* Ricardo Napp (ed) 1876 p.450 Richard Napp was head of Argentina's General Office of Commercial Statistics (Oficina General de Estadistica Comercial), a department of the Ministry of Finance. 15,000 copies were published.

3633 Whilst an interesting legal theory, no 'inheritance' (*uti possidetis juris*) was recognised by any nation in 1816 when the United Provinces declared its independence, or 1823 when it achieved it. It should also be noted that the last seat of the Spanish Viceroyalty was in Montevideo, not Buenos Aires. If there had been an inheritance, it would have given Uruguay a rather better claim than Argentina. For a range of differing opinions on the question of 'inheritance' (*uti possidetis juris*) see 1816. The year 1823 marked the first recognition of the UP as a country by an established nation – in this case, Britain. The Argentine Republic was not in '*full possession*' of the islands in 1833. Having appointed a Military and Civil Commander in 1829, in the face of British protests, that official had failed to bring anything under his control. An attempt in 1831 to enforce his supposed rights to the fishery resulted in the USS *Lexington* visiting East Falkland Island and removing most of the "*piratical*" settlers.

3634 Spain did not protest to Britain in 1833. More likely, this is a reference to a discussion in 1749 when the British government delayed an expedition to the Falklands following a Spanish protest. See *Falklands Wars* vol.1. British '*recognition*' of the United Provinces in 1825 was based upon information supplied by Buenos Aires; which made no mention of a claim to the Falkland Islands. See 1824 & 1825, above.

3635 My emphasis throughout. The conflict with the USA (1831/32), had the latter denying any right held by Buenos Aires to the archipelago so it can hardly be taken as 'recognition'. In 1876 that dispute remained unresolved.

"The principle of uti possidetis does not imply that a state created in the wake of a process of decolonization will necessarily acquire the same territorial rights as the previous colonial power, without regard to the geographic territorial unity of the colonial empire, and the occupation of the territory in question by the newly created state... In consequence, it has to be concluded that Argentina did not acquire the Islands in 1816 automatically after independence, without regard to the principle of effective occupation. Spanish territorial rights over the Islands continued." [3636]

"(Argentina) argues that it inherited the former Spanish colonial territory in accordance with the uti possidetis doctrine when it became independent, a disputed doctrine in international law." [3637]

"After 1790 Spain's rights in the Falklands were restricted, so any rights inherited from Spain were restricted in the same way, since Argentina cannot have inherited more than Spain possessed." [3638]

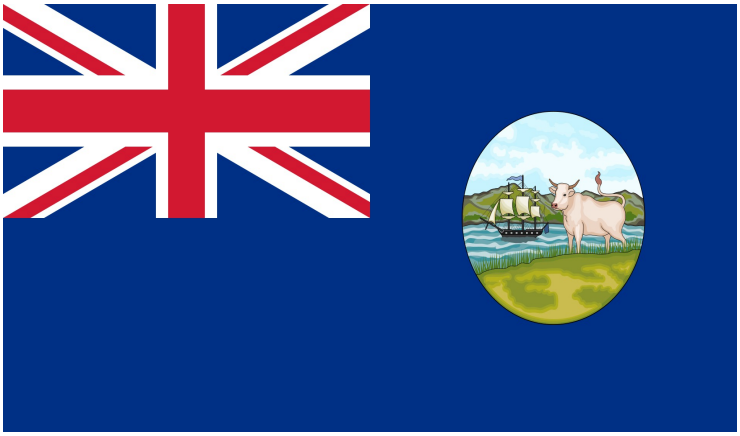
May 18th, at Port Stanley, Jeremiah Thomas Fitzgerald Callaghan arrives as the new Governor. [3639]

June 20th, for his attempt to save Able Seaman Bush, Lieut. Alfred Carpenter is awarded the Albert Medal 2nd Class and a Bronze Medal from the Royal Humane Society. [3640]

In **December**, at Port Stanley, Diego Dumble Almeyda, the Chilean Governor of Punta Arenas, arrives in the corvette *Chacabuco,* to establish trade links with the archipelago.

"He spent ten days in Stanley, finding a ready ear in Governor Gallaghan, who reported to London that he was hopeful that Punta Arenas (or 'Sandy Point' as he called it, a name sometime used in the Falklands) would become an important market for Falklands sheep, cattle and other products." [3641]

A flag is adopted for the Falkland Islands (below). [3642]



3636 Dolzer 1993 p.61
3637 Waibel 2011
3638 Pascoe 2020 p.50
3639 *The London Gazette No.24327.* For a biography, see - https://www.falklandsbiographies.org/biographies/callaghan_jeremiah
3640 *The London Gazette No.24339. cf.* January, 1876
3641 Pascoe 2022 vol.3 p.92
3642 See 1925

1877 – March 14th, near Southampton, England, Juan Manuel de Rosas, exiled ex-Governor and General of Buenos Aires, dies on his farm.[3643]

"His love of what may be termed despotic command was so great that no one was allowed to speak a word except by way of acknowledgment of commands or in answer to questions." [3644]

March 23rd, in Stanley, Frederick Edward Cobb is appointed Consul for Chile in the Falkland Islands. [3645]

"In opening a Consulate Chile made it clear that it recognised the islands as British, and it continued to do so for a long time, until at least 1959." [3646]

April 1st, the Falkland Islands are registered as a member of the General Postal Union; *"That brought the islands a new industry: the issuing of postage stamps."*[3647]

June 12th, in Stanley, George Dean is appointed Consul for Sweden and Norway.[3648]

"... there were in 1877 seven countries represented by consuls in Stanley: Denmark, Belgium, Italy, Germany, the United States, Sweden/Norway, and Chile. All these countries accepted that the Falklands were British, and Argentina had done nothing for over a quarter of a century to indicate any kind of disagreement with that position." [3649]

Lowther Edward Brandon, a Church of Ireland clergyman, takes up the position of Colonial Chaplain in the Islands. [3650]

"... the Irishman who made the greatest impact on the history of the Islands was certainly Lowther Brandon, a Church of Ireland clergyman from Carlow who became Colonial Chaplain in 1877. A man of faith and drive, he was remarkable for tackling the social problems of Stanley in a series of practical steps. He founded the first savings bank, established abstinence societies to combat drunkenness, and launched the Falklands Islands Magazine, which he type set and printed himself. He rode tirelessly around his broad parish, dragging after him a pack horse (carguero) laden with his magic lantern for shows to the camp settlements. Brandon also served as Inspector of the Government Schools and was a constant advocate of better teaching for children in camp." [3651]

Falklands Governor Jeremiah Callaghan, writes to the Colonial Office in London on the subject of stamps.

"Callaghan ... wrote to the Colonial Office in London asking for three values: 1d, 6d and 1s. The 6d was to pre-pay the current single rate on letters to England; 1d was for printed matter; and the 1s, presumably, was to pay twice the single rate necessary on heavier letters." [3652]

3643 After 25 years in exile, aged 83 years, Rosas was buried in Southampton. His remains were repatriated to Argentina in 1990. In March, 2022, an article in an Argentine journal – *Infobae* – claimed that Lord Palmerston had been named as executor in Rosas's will. Palmerston had died in 1865. See 1849, 1850, 1852, 1853 & 1989

3644 *The Times* obituary quoted in Schumway 2004

3645 Exequatur issued by Britain on June 27 1877. For a biography, see - https://www.falklandsbiographies.org/biographies/cobb_frederick

3646 Pascoe 2022 vol.3 p.92

3647 Pascoe 2020 p.238

3648 *The London Gazette No.24473*

3649 Pascoe 2022 vol.3 p.93

3650 For a biography, see - https://www.falklandsbiographies.org/biographies/brandon_lowther

3651 Murray 2005

3652 *Penguin News* March 22, 1983 p.7

November 4th, from Stanley, US Consul George Gerard sends a despatch to Washington DC praising the Islands as a harbour for vessels in distress.

> *"Here the crew may find relief, redress and protection, for every nation has its own consul to watch over the interests of the seamen in these distant and inhospitable regions."* [3653]

December 6th, from London, Lord Carnarvon writes to Governor Callaghan.

> *"I have the honor to inform you that having received a representation from the Falkland Islands Company on the subject of providing the Colony with a distinctive postage stamp and having been advised by Lord John Manners of the desirability I have directed the Crown Agents to take immediate steps for procuring the material necessary for providing your Government with stamps of 2 denominations viz. 1d & 6d in value. I presume that 2 kinds will be sufficient."*

1878 – January 1st, the Royal Marines detachment leaves the Falkland Islands. [3654]

"It would appear… the detachment was for police duties, and not for defence purposes." [3655]

"(Governor Gallaghan) proposed to replace the Royal Marines detachment of a lieutenant, a naval surgeon, a sergeant and 14 privates, by a small police force of a sergeant and four privates. The Marines detachment, he said, cost about £1,036 a year from local funds plus about the same from London. His suggestion was adopted, …" [3656]

January 4th, in Argentina, Julio Argentino Roca is appointed Minister of War, with a remit to resolve the problem of Patagonian tribes raiding Argentine territory.

> *"Our self-respect as a virile people obliges us to put down as soon as possible, by reason or by force, this handful of savages who destroy our wealth and prevent us from definitely occupying, in the name of law, progress and our own security, the richest and most fertile lands of the Republic."* [3657]

"We are engaged in a contest of races in which the indigenous life carries on itself the tremendous anathema of its disappearance, written in the name of civilization. Let us morally destroy that race, let us annihilate their economy and their political organization, let us disappear their tribes and if necessary divide the families." [3658]

"… this campaign led by General Julio Argentino Roca sought to establish Argentine dominance in Patagonia, a territory inhabited by diverse groups of indigenous communities. Thousands of indigenous people were killed, and tens of thousands more were displaced, allowing Argentina to expand its territory to its current frontier with Chile. Up to this day, the Argentine government still takes care to position the event as a legitimate war that sought to establish the country's sovereignty." [3659]

"Under the leadership of General Julio Roca, the series of military campaigns that took place from 1878 to 1884, known as the Conquista del Desierto (Conquest of the Desert), sought to fully integrate the vast expanses

3653 *United States National Archive microfilm T480, roll 2, no.67*

3654 See 1864

3655 Ellerby 1990 citing *CAB 11/44.* The Governor had concluded that the maintenance of the police force only would save the Colony £1,066 *per annum*; there having been designated police officers and constables in the Falklands since 1846.

3656 Pascoe 2022 vol.3 p.91

3657 Roca quoted in *Annihilating Difference: The Anthropology of Genocide* K. M. Roth 2002. Argentine forces would commence a sweep south in December 1878 with an attack on the Lihué Calel heights.

3658 *La Prensa* March 1, 1878

3659 *Desert defenders: An 1870s battle in Argentina saw the murder of thousands of its indigenous people. But that history is being glossed over by the current government* Lucia He 2018

of the pampas and Patagonia into the recently unified Argentina. ... these conflicts facilitated the consolidation of the national territory, stretching south and west from the urban centers along the Río Paraná; and... helped define and solidify a new national identity, a necessity in the aftermath of the civil wars that had racked the country in the previous generation." [3660]

April 1st, Argentina joins the General Postal Union; *"On 1 April 1878, a year after the Falklands were included in the UPU, Argentina joined the organisation, and for the rest of the 19th century and well into the 20th accepted the inclusion of the islands in the organisation without protest or comment."* [3661]

May 1st, in Paris, at the Second Postal Convention, the General Postal Union becomes the Universal Postal Union.

June 19th, the first 1d and 6d Falkland Islands stamps are issued featuring the profile of Victoria; *"After protests by the Governor, the further value of 1 shilling was agreed and printed."* [3662]

Roca sends troops to clear tribes people from the pampas north of the Rio Negro.[3663]

"... when the military campaigns began, the Argentine state broke every treaty and historical agreement established with the chiefs (or longko) that had been signed from colonial times until 1878. At the same time, the army secured specific financing in order to modernize and professionalize the armed forces. Then, Minister of War Julio A. Roca established a multistage plan in order to conquer the so-called desert. ... The indigenous population, stereotyped as indios maloneros, were not considered sovereign sociopolitical units or as people with rights but rather as savage elements. In addition, they were coded as obstacles to building national sovereignty." [3664]

August 12th, in London, Britain's Foreign Office receives intelligence from its Legation in Buenos Aires.

> *"It appears that a Mr. Vernet has presented to the Argentine Congress a petition to be indemnified for the destruction and removal of the Vernet settlement in 1829 to 1833 on the Falkland Islands. I shall not fail to report to Your Lordship any action which may be taken on this petition; and, should any mention be made to me by the Argentine Minister for Foreign Affairs of a revival of the Argentine claim to the Sovereignty of the Falkland Isles, I purpose, whilst awaiting Your Lordship's instructions to refer His Excellency to Lord Aberdeen's note of the 15th of February 1842 to Monsieur Moreno and to the fact that in his reply of the following 19th of February Monsieur Moreno withdrew his former allegation of a secret understanding with Spain in 1771 to return the Islands to that Kingdom."* [3665]

"... whilst I was in charge of this Legation in 1878, I became aware that the alleged claim of this Country to the Falkland Islands had again emerged in public discussion and had acquired some new life by the semi-official

---

3660 *Manifest destiny, the Frontier, and "El Indio" in Argentina's Conquista del Desierto* Edward Brudney in *Journal of Global South Studies* 2019 vol.36 no.1 Spring pp.116-144

3661 Pascoe 2020 p.238

3662 *Penguin News* March 22, 1983 p.7

3663 By December, 1878, 4000 indigenous people had been taken prisoner, over 400 killed and 15,000 cattle seized.

3664 *Beyond the "Desert"; Indigenous Genocide as a Structuring Event in Northern Patagonia* Walter Delrio and Pilar Pérez 2020

3665 *FO 6/502/600.* Addressed to the Marquess of Salisbury, this note was signed by a J. P. Harris-Gastrell, who was likely to have been *charge d'affairs* or the Secretary of the Legation – or, quite possibly, both. The Mr. Vernet, was, presumably the eldest son of the deceased Luis Vernet. *cf.* 1868, 1879, 1882 & 1887

revelation of the discovery of some new documents. Since that year some articles have appeared in the local Press,... pointing out the relatively greater importance of the Falkland Islands, when so much attention is given to the Patagonia question and reaffirming the theory of England, having taken forcible possession of them in spite of the rights of the Argentine Confederation." [3666]

November 12th, in Washington DC, US President Hayes announces his arbitration decision in the boundary dispute between Argentina and Paraguay; concerning the area of the Gran Chaco, left unresolved by the treaty of 1776. Hayes awards the territory to Paraguay; rejecting Argentina's argument of an inheritance (*uti possidetis juris*) from Spain. [3667]

> *"Now, therefore, be it known, that I, Rutherford B. Hayes, President of the United States of America, having duly considered the said statements and the said exhibits, do hereby determine that the said Republic of Paraguay is legally and justly entitled to the said territory between the Pilcomayo and the Verde Rivers, and to the Villa Occidental, situated therein, and I, therefore, do hereby award to the said Republic of Paraguay the territory on the western bank of the river of that name, between Rio Verde and the main branch of the Pilcomayo, including Villa Occidental."*

"To an American historian of arbitrations it appeared that Argentina based its claim on inheritance after independence of all territory in the Spanish Viceroyalty of the Rio de la Plata and on its subsequent attempts to prevent Paraguayan secession. Paraguay founded its case on various expeditions and settlements in the Chaco and its successful repulse of Argentine attempts to absorb the homeland itself. The evidence seemed to indicate that neither the Argentine historical claims of rightful legacy nor the Paraguayan claims of prior exploration and settlement bore effectively on the question of legal title. The decision seemed to swing on the fact that until 1865 Paraguay had exercised some jurisdiction over the disputed area while Argentina has exercised none." [3668]

"Legally, Garcia advanced — as noted by the State Department functionaries evaluating the Argentine submission — the principle of uti possidetis (as one possesses under law) based on de facto not de jure rationale; for the State Department, proven efforts and actions vis-à-vis the Chaco were judged as more important than paper claims based on colonial legal jurisdictions of the Viceroyalty." [3669]

November 29th, at Stanley, around midnight, peat bogs on the heights above the town give way. An avalanche of mud several feet thick, engulfs part of Stanley.

"Early settlers in Stanley cut their annual supply of peat at the ridge, because at the time Stanley did not exist up the hill that far, so it was generally just Common ground.... Peat cutting on the peat ridge was rather haphazard, with no thought of draining water from the peat 'bogs'... so the ridge became an unstable area with no firm ground..." [3670]

3666 *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/609.* Unidentified, the '*new documents*' seem to have related to the Spanish period on East Falkland 1776 to 1798.

3667 Worthy of note that Argentina's claim was based on an assumption of succession to all the territory of Spain's Viceroyalty in 1816 despite Paraguay, Uruguay and parts of Bolivia having separated.. An assumption rejected by this arbitration. An assumption that Argentina still makes today with regards to the Falklands archipelago. Not recognised by the UK.

3668 Peterson 1964 p.205. The US President had been invited to decide the issue in January, 1877.

3669 *A Diplomatic Sequel to the War of the Triple Alliance (1864-1870): United States President Rutherford B. Hayes' 1878 Arbitration for Paraguay and Argentina.* Austin W. Connors 2022 (unpublished thesis).

3670 *Penguin News* January 15, 2021

1879 – in the Falklands, new stamps are issued.

"... in 1879 the UPU reduced the overseas postal rate for member countries from 6d to 4d. Thus a new stamp was required." [3671]

February 27th, in Buenos Aires, *La Nacion* publishes a report entitled *Patagonia and the Falkland Islands.*

> *"It is worthy of attention that, altho' the Argentine Republic is in possession of identical Sovereign Rights over each of these important territories; a like degree of interest is not at all times manifested on the part of the Argentine Press, when treating of the unquestionable title, held by us, to our widespread dominions. This, nevertheless, is a truism. The integrity of Patagonia is defended with a zeal and a patriotism worthy of a question of such prominence for the Argentine people; whilst not the slightest heed is given to that other territory... which faces and is within brief distance of Santa Cruz, and, which bears the name of 'Malouinas'. How is this? Are we not provided with a like title to these Islands, as that which we have to Patagonia? How is it given to suppose that this omission on our part can arise from forgetfulness of the question still pending with England..."* [3672]

In Argentina, Roca sends 6,000 troops south of the Rio Negro armed with the new breech-loading Remington rifles; with orders to push the tribes south. [3673]

"Critics say his "conquest of the desert", once hailed for uniting Argentina and rebuffing Chile in 1878-79, was a barbaric campaign which bathed the nascent state in innocent blood. ... Roca's 6,000-strong cavalry force crushed Mapuche and other Indian groups, killing more than 1,000 and capturing thousands more who became servants or prisoners and were prevented from having children. Campaign dispatches depicted them as barely human." [3674]

March 14th, Bolivia announces that it is at war with Chile. [3675]

April 13th, from Argentina, Britain's Minister, Frances Clare Ford, writes to the Marquess of Salisbury with regard to the on-going border dispute between Chile and Argentina. He cites published maps; one of which includes a statement regarding Falklands; *"England by a simple exercise of superior force took possession of the Falkland Islands (Islas Malvinas) which formed part of the Vice Royalty and adjoining territories."* [3676]

April 14th, in Buenos Aires, Luis Vernet's heirs submit a dossier of evidence to the Argentine government arguing for a claim of rights to both Staten Island and East Falkland Island. Argentina's Minister of Foreign Affairs submits a report to the National Congress enclosing documents from 1771, 1773 and 1776 referring to Spain's occupation of Soledad Island. [3677]

3671 *Penguin News* March 22, 1983 p.7. This went on sale in September 1879.
3672 *FO 6/502/619*
3673 More than 1,300 tribes people were killed, with 15,000 taken prisoner.
3674 *Argentinian Founding Father Recast as Genocidal Murderer* Rory Carroll in *The Guardian* January 13, 2011
3675 War of the Pacific 1879-1884. A dispute over boundaries, and resources. Bolivia was backed by Peru. Argentina would take the opportunity to claim half of Tierra del Fuego, threatening Chile from the rear. Chile appears to have won the war, but lost its claims to Patagonia. Bolivia, lost its access to the sea. Which still rankles.
3676 *FO 6/502/602.* Argentina's dispute with Chile over the Patagonian border – and the Strait of Magellan – had been simmering for years. Argentina saw Chile as a Pacific nation rather than an Atlantic one, a view Chile did not share. Disagreements would continue into the 20th century. And the 21sr. *cf.* 1878, 1971 & 1977
3677 Whether this was solely because of the Vernet family claim, or indicative of a wider awakening of Argentine pretensions arising from its boundary disputes with Paraguay and Chile, is unclear. See 1868, 1882 & 1887

"On April 14, 1879, I presented to the executive branch of the nation a comprehensive request detailing the antecedents of the donation made to my father by the government of Buenos Aires, of the islands Soledad and the Estados." [3678]

May 16th, in England, aware of forthcoming debates at Argentina's National Congress, the Foreign Office warns the Colonial Office that the issue of Britain's possession of the Falklands may be raised once again.

May 19th, in Buenos Aires, a Bill making an offer to settle the Vernet heir's claims, is placed before Argentina's Chamber of Deputies. [3679]

"Art. 1 – The heirs of Luis Vernet shall be entitled to an area of twenty square leagues in the national territories designated by the Executive Power.

Art. 2 – As long as the donated land is located by the Executive Branch, Mr. Vernet's heirs are obliged to measure and populate them, in accordance with the provisions of the Immigration and Colonization Act of 1876.

Art. 3 – This donation will be without effect if, on the part of the recipients, the obligations referred to in the previous article are not fulfilled."

"... since from the time of Rosas until the present I have no news that the government of these territories has been occupied unjustly in the power of the stranger." [3680]

Deputy Navarro introduces the Bill on behalf of the government.

"I have been commissioned Mr. President, by the (Interior) Commission to give reports concerning this matter, and I am going to allow myself to do so briefly, presenting some details on this matter. Mr. Pacheco was a concessionaire of 30 leagues of land in the Falkland Islands; This gentleman associated himself with Mr. Vernet to take the livestock industry there and make his exploration. Later, Mr. Pacheco separated from the association and left only Mr. Vernet. In these circumstances, Mr. Vernet, having invested capital, saw in the case of widening the industries he had raised there, and for this he asked the National Government, or the power that then had the direction of the public affairs of the country, the granting of all public lands that existed outside the original concession round about her, whose concession was on Eastern Island, as stated in published documents. The Government granted him this, and by virtue of this concession, Mr. Vernet brought there three ships carrying cattle and all the resources and equipment necessary to raise that industry in the lands granted. Mr. Vernet spent 200,000 to 300,000 pesos, taking industry for the first time to these unknown regions and hoisting the Argentine flag, where it had not previously been known in its effective jurisdiction. ... The heirs of Mr. Vernet now ask that.., they be granted an area of land, to compensate what was lost then,.." [3681]

3678 This quoted by National Deputy Estrada during the debate of September 29, 1887 in *Diario de Sesiones de la Cámara de Diputados 1887* pp.19-24.

3679 At Argentina's National Congress the Chamber of Deputies is the Lower House; the Senate its Upper House. See https://falklandstimeline.files.wordpress.com/2018/01/1879diputadosdiariodesesiones.pdf

3680 Deputy Sr. Espeche addressing the Chamber of Deputies on May 19, 1879 in *Diario de Sesiones de la Cámara de Diputados: 5° Sesion Ordinaria del 19 de Mayo de 1879* pp.17 – 25. In other words, there had been no protest by Argentina regarding Britain's 1833 ejection of its garrison, since 1852.

3681 *Diario de Sesiones de la Cámara de Diputados: 5° Sesion Ordinaria del 19 de Mayo de 1879* pp.17 – 25. An inaccurate summing up of the history of Vernet's attempts to settle East Falkland. Information and translation provided by Fabian Turcato.

During the debate that follows, Deputy Ferreyra addresses the Chamber.

> *"... I say: is there a title to ask for this compensation? There is not, and the same members of the Commission agree on it. The Government can not guarantee compliance with its resolutions, but to the extent of its sovereignty, and it being known that the Argentine Government* ***has lost its sovereignty*** *over the Falkland Islands, there is no title to claim compensation for damages that it was not in its hands to avoid. If these Islands return to the dominion of the Republic, I do not doubt that the government will want to comply with its resolution and recognize Mr. Vernet the rights he has agreed upon; but, as long as this does not happen, there is no justice in making that concession.*
>
> *The damage which Mr. Vernet has received, and the services which he provided to the country, is invoked for the benefit of the land, without regard to the fact that Mr. Vernet was an entrepreneur who, by taking up his capital in that undertaking, was seeking a substantial result, ...*
>
> *The Argentine Government, by making this concession, and consulting its own interests, granted it property rights over 300 leagues from the island of Soledad, according to a statement from the same interested parties; more, the Isla de los Estados; moreover, rights over the fisheries that, as they also say, enrich the foreign nations; moreover, privileges for the colonies to be established, which, it may be said, were to be the basis of Mr. Vernet's business, - substantial privileges for these colonies. ..."* [3682]

At the end of the debate, the Chamber of Deputies vote against an award to the heirs of Luis Vernet. [3683]

August 11th, the executive branch of Argentina's Government passes the claim from the Vernet family to a Senate committee for consideration. [3684]

"A message from the Executive Power enclosing a request from Mr. Luis E. Vernet, in which this gentleman claims the ownership of the island called Isla de los Estados. To the Committee on the Interior." [3685]

1880 – January 21st, from Argentina, Britain's *charge d'affairs* reports continuing interest in the Falklands.

> *"... the general view as to this revived claim is that a decision in favour of this Country in the discussion with Chile as to Patagonia and the Magellan Straits would carry with it proof of the Argentine claim to the Falkland Islands."* [3686]

"In 1880 the Falkland Islands issue again became prominent in Buenos Aires. Two years previously what purported to be new documents on the issue between Argentina and Great Britain were published. The British Charge d'Affaires in Buenos Aires included a précis of the more relevant documents in his despatch of the 21st January, 1880. It was his opinion that the revival of interest in the Falklands was the result of the dispute then going on between Argentina and Chile with regard to sovereignty over the Straits of Magellan and Patagonia. It was felt that a decision in favour of the Argentine republic in both these regions would carry with it proof positive of the Argentine claim to the Falkland Islands as a contiguous area." [3687]

3682 *Ibid* p.22. My emphasis.

3683 A little known event in the history of Falklands' sovereignty, this debate is worthy of note for identifying that Argentina in 1879 considered that its sovereignty over the archipelago had been lost. This particular debate (see also 1882) concentrated on the Falkland Islands; with Statenland (Isla de los Estados) only receiving a single mention. The general opinion of the Deputies was that the Argentine government was not under any obligation to compensate for a private business venture that had failed.

3684 Noted in *Congreso Nacional: Camara de Senadores: Sesion de 1882* p.311. *cf.* 1878, 1882 & 1887.

3685 *26 Sesion Ordinaria – Agosto 14 de 1879: Sumario.*

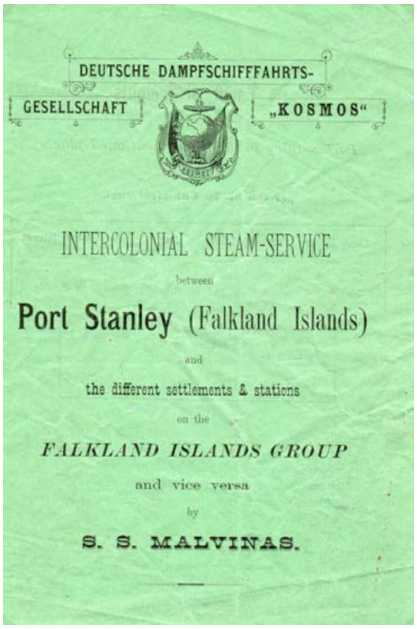
3686 *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/610*

3687 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

"... the Argentine Civil Code, drawn up between 1864 and 1869 by Dr Dalmacio Vélez Sarsfield (1800-1875), which (with amendments) has since 1871 formed the basis of Argentine civil law, states:

> *Art. 4.016. Against him who has possessed for thirty years, without any interruption, neither the lack nor the nullity of title, nor bad faith in possession may be adduced.*

In other words, a possessor of property who has held that property uninterruptedly for thirty years cannot be challenged by accusations of bad faith or by contentions that he holds no title at all to that property, or that his title is invalid. But ... the existence, of acquisitive prescription in international law is subject to considerable doubt" [3688]



April 20th, *Ramses,* of the Kosmos Steam Company, arrives at Stanley with mail from Europe.

June 17th, Governor Callaghan transfers to the Bahamas.

In the Falklands, the first telephone lines are installed by the Falkland Islands Company.

July 2nd, a one year contract is signed in London between the British Government and the Kosmos Steam Company for the delivery of mail to Stanley. [3689]

September 13th, in London, Thomas Kerr is gazetted Governor. [3690]

October 12th, in Buenos Aires, Julio Argentina Roca takes office as Argentina's President. He immediately instructs the continuation of the Conquest of the Desert; ordering a campaign to be led by General Conrado Villegas.

"The resistance by the Indians who have sought refuge in the desert still unknown to us: hence the difficulties that will have to be overcome. As a first step of the plan, we have to choose between two options: 1° to encircle the Indians in the desert, cutting all their communications to the other side of the Río Negro. 2° to enter and persecute them in the desert without mercy or contempt until exterminating them, to submit them, or to force them to seek refuge south of the Río Negro, and thus to establish the frontier there." [3691]

November 15th, in Port William, *G. F. Haendal,* carrying coal and general goods, is lost to a fire.

November 24th, at Stanley, the newly appointed Governor Kerr arrives on *Theben*.

3688 Pascoe 2020 p.217. It had been thirty years since the previous official claim by an Argentine Government. See 1849.
3689 Roberts 2015 p.22. Contract was subsequently extended until 1885 and required the establishment of an agent at Stanley. Hugo Schlottfelt resided in Jubilee Villas in Stanley. The Kosmos contract eventually expired in 1900.
3690 *The London Gazette No.24882.* For a biography see - https://www.falklandsbiographies.org/biographies/kerr_thomas
3691 Alvaro Barros, subsequently first Governor of Patagonia, writing in 1872 and quoted in *Argentine Literature and the 'Conquest of the Desert* Jens Andermann (Birbeck College – undated). See - http://www7.bbk.ac.uk/ibamuseum/texts/Andermann02.htm

1881 – January 24th, HMS *Bacchante* arrives at Port Stanley for a 48 hour visit, with Royal Princes Albert Victor (17) and George (15) aboard. The Royal brothers are being supervised by their tutor, the Rev. John Neale Dalton, who notes 1,510 people present on the Islands.

"By 1881 the population of the islands amounted to over 1,500, including some 150 children in full-time education, and there was a steady increase of about 40 native-born people a year." [3692]

May 8th, in Buenos Aires, President Roca addresses the Chamber of Deputies regarding the war against the Patagonian tribes; *"In the near future, settlements will arise in those same places; where there are no longer Indians, tribes, or terrible chiefs to terrify the shepherds or prevent the cultivation of the fields."* [3693]

"The military campaigns involved not only the advance of troops across Patagonian territory but the installation of forts along the Negro and Neuquén Rivers. These forts, which varied in size, lodged both troops and indigenous prisoners surrendered to the army voluntarily or by force. The Indians were detained in these camps not for any crime or alleged crime they had committed but because they were "Indians". The forts operated as concentration camps." [3694]

July 2nd, in Stanley, Henry Lasar is appointed Consul for the United States of America. [3695]

July 23rd, in Buenos Aires, Argentina and Chile sign a *Treaty of Limits* (*Boundary Treaty*). [3696]

> *"Article 3: In Tierra del Fuego a line will be drawn from the point called Cabo del Espíritu Santo at latitude fifty-two degrees forty minutes, it will extend southward, coinciding with the western meridian of Greenwich, sixty-eight degrees thirty-four Minutes until touching on the "Beagle" Channel. Tierra del Fuego divided in this way will be Chilean in the western part and Argentine in the eastern part. As for the islands, pertaining to the Republic of Argentina shall be the Island de los Estados, the islets immediately next to it and the other islands that are on the Atlantic to the east of Tierra del Fuego and the eastern coasts of Patagonia; and all the islands south of the Beagle Channel to Cape Horn and those to the West of Tierra del Fuego will belong to Chile....*
>
> *Article 5: The Straits of Magellan shall be neutralized for ever, and free navigation assured to the flags of all nations. In order to assure this freedom and neutrality, no fortifications or military defences shall be constructed on the coasts that might be contrary to this purpose."* [3697]

"Rearguard Argentine efforts has been made to gain recognition for some kind of shared management regime for the Strait [of Magellan], in order to mitigate what was perceived as the striking diplomatic defeat for Argentina in the 1881 treaty granting Chile control over the strait." [3698]

3692 Pascoe 2020 p.238

3693 Quoted in Delrio and Pérez 2020

3694 Delrio and Pérez 2020

3695 *The New York Times* July 3, 1881

3696 Chile was already in conflict with both Bolivia and Peru and could not afford to argue with Argentina which bullied Chile into signing this boundary treaty which placed Argentina on both sides of the eastern mouth of the Magellan Strait. Something which caused consternation amongst other nations, hence article 5. In Argentina, this treaty is referred to as the Magellanic-Atlantic Transfer, reflecting their view that it determined Argentina to be an Atlantic nation, while Chile was a Pacific country. Chile did not hold to this view, and quite what constituted the Beagle Channel for the purposes of this treaty would develop into a further source of tension between the two nations. *cf.* 1977 & 2010.

3697 In 1881 it was established that the Strait of Magellan, from Punta Dungenes and Cabo Espiritu Santo to its western mouth, is entirely Chilean. Argentina has no capacity to dictate who can, or cannot, use the Strait.

3698 *The Strait of Magellan* Michael Morris 1989

"Article 3 of the Treaty expresses that "other islands on the Atlantic to the east of Tierra del Fuego and Eastern coasts of Patagonia" belong to Argentina... It cannot be said that Argentina did nothing in relation to the Falklands/Malvinas from 1850 to 1884 or that it abandoned its sovereignty..." [3699]

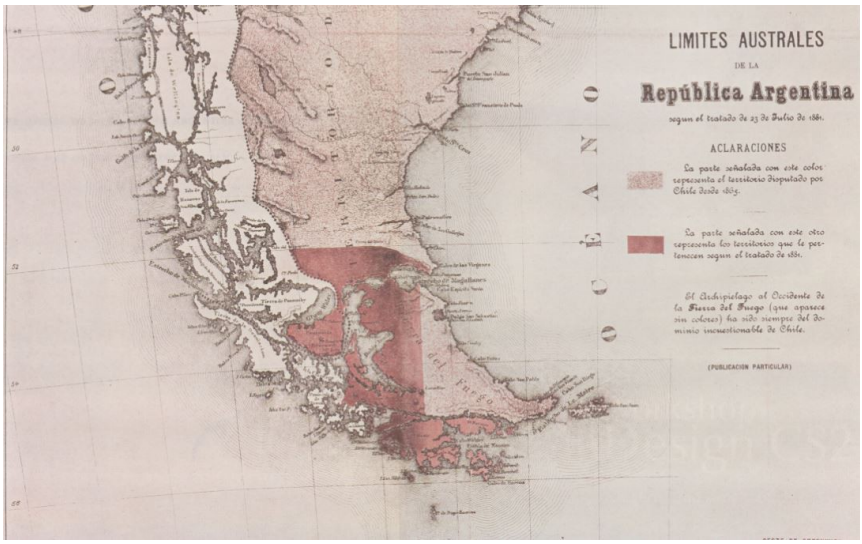
To cement its sovereignty in Tierra del Fuego, Argentina establishes a penal colony at Ushuaia. [3700]

August 18th, at Stanley, Henry S. Lasar is recognised as Consul for the United States.

October 16th, US sealer *Wanderer* is wrecked at the Falklands.

French investors start the construction of a canal across the isthmus of Panama. To create a new route from the Atlantic to the Pacific. [3701]

November 10th, in Buenos Aires, a map is published in *La Ilustracion Argentina* identifying the territorial agreement with Chile (right). [3702]



December 10th, in the Falklands, sealing activities are regulated under the *Falkland Islands Government Ordinance No.4* – establishing a closed season in the Colony and Dependencies from October 1st – April 1st each year. [3703]

"In 1881, because of the near-exhaustion of the seal fisheries of the Falkland Islands, the Governor of the Islands issued a decree establishing a close season for the killing or capturing of seals." [3704]

From Montevideo, HMS *Dwarf* is sent to Stanley to assist in the enforcement of the closed season.

Despite engineering problems slowing the initial construction of the Panama canal, there is recognition in Britain that a shorter route to the Pacific will reduce the strategic implications of maintaining the Falklands as a naval base.

"In 1881 the 'Royal Commission on the Defence of British Commerce and Possessions' recommended £200,000 expenditure on minor coaling stations, which included Thursday Island, the Seychelles, Saint Helena, Cyprus, the Falklands and Fiji. The nearest British territories to the Falklands with stores of coal were Saint Helena (3,308 miles), Cape Town (3,474 miles) and Auckland (5,300 miles). The only other coaling base on the South

3699 Kohen & Rodríguez 2017 p.165. See 1884. Sovereignty claims need to be a direct issue between the parties involved; not via third parties. So yes, Argentina did nothing between 1850 and 1884.

3700 At the location of a British missionary settlement. *cf.* 1869 & 1884

3701 With major connotations for the sea route around Cape Horn and the South Cone.

3702 This copy was handed to the British Minister by Argentina's Foreign Minister, Dr. Bernardo de Irigoyen, with the intimation that the dark area had been *"ceded to Chile"*. See 1884 below.

3703 Not signed off by the Legislative Council until December 27, 1881. Fines up to £100 or £5 per seal killed could be imposed and the master of an offending vessel could be fined an additional £300. Any catch would be seized. For the first time, the Falklands would openly place restrictions on fishing by foreign vessels. Most obviously those of the USA. No controversy appears to have arisen, however, as better hunting grounds had been discovered further south, resulting in the Falklands rookeries becoming less important to the Americans.

3704 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing *Confidential Memorandum 13471, para.53* (Orchard 1928). *cf.* July, 1892 and 1899 below

American station was Esquimalt (7,523 miles away). ... The 1881 Royal Commission considered the Falklands unimportant because plans to construct a Panama Canal would divert shipping using Cape Horn." [3705]

December 29th, at Stanley, *Theta,* its cargo on fire, is scuttled.

On the same day, HMS *Dwarf* sails from Stanley in search of sealing vessels.

1882 – January 5th, in the Falklands, at Ten Shilling Bay, the watch on *Dwarf* sight a sealing schooner, *Adelia Chase* (Church).

> *"So we bore down on her, and anchored close alongside her: I was sent on board, and brought the captain back: a thoroughgoing Yankee: his schooner was called Adelia Chase, 35 men mostly Portuguese, a very dirty looking mob:..."* [3706]

"(Dwarf) discovered a sealing camp on Bird Island belonging to Adelia Chace (Capt. Simon Church), perhaps the only vessel still sealing from New Bedford. ... (which) had already taken 580 fur seal skins. ... " [3707]

January 6th, at Stanley, Governor Kerr's treasurer, John Wright Collins, is arrested on suspicion of embezzlement. [3708]

January 9th, at New Island, *Dwarf* discovers a sealer, *Two Sisters*.

"HMS Dwarf also apprehended the local cutter Two Sisters (Capt. Jason) of Stanley on suspicion of illegal sealing... The British Government did protest illegal American sealing and noted that US vessels were expected to comply with the ordinance if they wished to continue to take advantage of their traditional fishing rights in island waters. Nothing happened, presumably since the moribund American southern sealing industry was of little consequence..." [3709]

February 9th, HMS *Dwarf* sails for Montevideo.

February 17th, on Jason West Cay. *Lady Dufferin* is wrecked.

March 4th, USS *Brooklyn*, the flagship of Admiral James Hanna Spotts visits Port Stanley.

At Port William, a British barque, *Leon Crespo*, with a cargo of coal, burns.

March 6th, *Brooklyn* fires a 21 gun salute to the Union Jack; *"... which was at once returned gun for gun."* [3710]

March 9th, at Stanley, during a formal dinner with Governor Kerr aboard his flagship, Admiral Spotts suffers a stroke and dies. He is buried with full honours in the local cemetery. [3711]

In **May**, in Buenos Aires, President Roca makes a speech at the State opening of the legislature. He states that the settlement of Patagonia has been delayed by the nation's dispute with Chile, but that Argentine laws are now recognised as far south as South latitude 52°.

3705 Ellerby 1990 p.51. The Commission had been founded in 1879 to consider all aspects of imperial defence.
3706 Diary of 2nd Lieutenant Frederick Luscombe, quoted in Pascoe 2022 vol.3 p.119
3707 Dickinson 2007 p.80
3708 Collins was sentenced to seven years penal servitude. A biography here - https://www.falklandsbiographies.org/biographies/collins_john
3709 Dickinson 2007 p.80
3710 *The Cruise of the Brooklyn* W. H. Beehler 1885 p.25. Also *The New York Times* March 14, 1882
3711 Repatriated to the USA in 1899. *Brooklyn* sailed from the Falklands on March 14th, 1882

"... no civilian population was expelled in 1833, ... Argentina's territorial borders did not extend to the islands until half a century later..." [3712]

"Argentina's territory continued to be a regular and significant topic in the Messages, but the existence of a dispute between Britain and Argentina over the Falklands was never so much as alluded to, and the islands were not mentioned once." [3713]

May 31st, in the Falklands, *Star of Brunswick,* a British ship, is lost at Bull Point.

Argentina's Government orders, and finances, the publication of a *'Geographical and Statistical Map of Argentina'* by Dr. Francisco Latzina (right). [3714]

"3.21 The effect of a map that is not part of a treaty will vary according to its provenance, its scale and cartographic quality, its consistency with other maps, the use made of it by the parties, the degree of publicity accorded to it and the extent to which, if at all, it was adopted or acquiesced in by the parties adversely affected by it, or the extent to which it is contrary to the interests of the party that produced it. A map that is known to have been used in negotiations may have a special importance. .... But a map produced by an official government agency of a party, on a scale sufficient to enable its portrayal of the disputed boundary area to be identifiable, which is generally available for purchase or examination, whether in the country of origin or elsewhere, and acted upon, or not reacted to, by the adversely affected party, can be expected to have significant legal consequences." [3715]

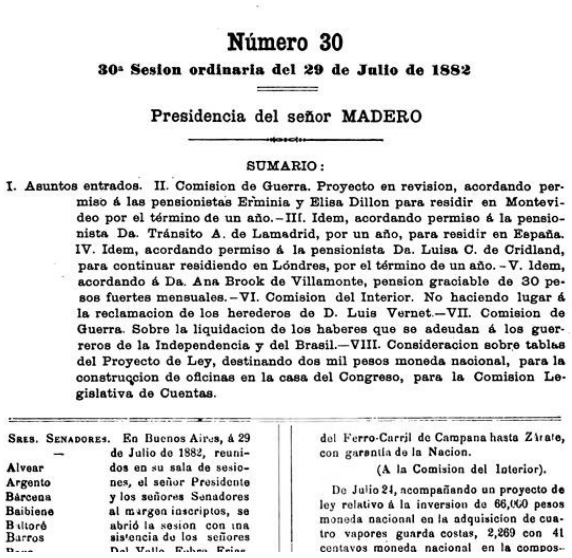
"The 1882 Latzina map was produced after the so-called "Campaign of the Desert", in which from 1878 onwards Argentine defence minister Julio Roca (president from 1880) conducted a systematic campaign of genocide against the American Indian inhabitants of Patagonia. Most of them were killed or driven off their ancestral lands, after which the Patagonian border between Argentina and Chile was fixed by treaty on 23 July 1881. Being now "clear" of Indians, Patagonia was open for European immigration, and President Roca and foreign minister Bernardo de Irigoyen promoted the publication of a map of Argentina specifically to attract immigrants. ... Its

3712 Britain's representative to the United Nations speaking before the Fourth Committee on October 8, 2018.
3713 Pascoe 2020 p. 265
3714 Ordered by Argentina's Interior Minister, Bernardo de Yrigoyen. Government funding gave the map an official character, prompting Chile to see it as a determination of Argentina's acknowledgement of the 1881 border agreement. See below. Click on the image for a hyperlink.
3715 *Decision regarding delimitation of the border between Eritrea and Ethiopia Decision of 13 April 2002*

publication was authorised by the Argentine Congress and financed by the Argentine government, and it was headed on the front cover "PUBLICACION OFICIAL" – it was an official, definitive and up-to-date map of the country in its new borders. It was printed in 120,000 copies, which were distributed to Argentine consulates in Europe and North America." [3716]

July 29th, in Buenos Aires, with regard to the compensation claim originally submitted by the heirs of Luis Vernet in 1878 – and rejected by the Chamber of Deputies in 1879 – Argentina's Committee on the Interior informs the Government of its conclusion. A rejection. [3717]

> *"Your Home Affairs Committee has studied the applications of the heirs of Don Luis Vernet, sent by the Executive in a message dated August 11, 1879, seeking compensation for the eviction they suffered from the Eastern Falklands and return of the island of the States, ceded to Capitan Piedra Buena by law of October 10, 1868, and for the reasons given by the informing member, advises you the following draft resolution: "It has no substance and is filed."..."* [3718]



Número 30

30ª Sesion ordinaria del 29 de Julio de 1882

Presidencia del señor MADERO

SUMARIO:

I. Asuntos entrados. II. Comision de Guerra. Proyecto en revision, acordando permiso á las pensionistas Erminia y Elisa Dillon para residir en Montevideo por el término de un año.—III. Idem, acordando permiso á la pensionista Da. Tránsito A. de Lamadrid, por un año, para residir en España. IV. Idem, acordando permiso á la pensionista Da. Luisa C. de Cridland, para continuar residiendo en Lóndres, por el término de un año.—V. Idem, acordando á Da. Ana Brook de Villamonte, pension graciable de 30 pesos fuertes mensuales.—VI. Comision del Interior. No haciendo lugar á la reclamacion de los herederos de D. Luis Vernet.—VII. Comision de Guerra. Sobre la liquidacion de los haberes que se adeudan á los guerreros de la Independencia y del Brasil.—VIII. Consideracion sobre tablas del Proyecto de Ley, destinando dos mil pesos moneda nacional, para la construccion de oficinas en la casa del Congreso, para la Comision Legislativa de Cuentas.

Sres. Senadores — Alvear, Argento, Barcena, Balbiene, Bustoré, Barros

En Buenos Aires, á 29 de Julio de 1882, reunidos en su sala de sesiones, el señor Presidente y los señores Senadores al margen inscriptos, se abrió la sesion con una asistencia de los señores

del Ferro-Carril de Campana hasta Zárate, con garantía de la Nacion.

(A la Comision del Interior).

De Julio 24, acompañando un proyecto de ley relativo á la inversion de 66,000 pesos moneda nacional en la adquisicion de cuatro vapores guarda costas, 2,269 con 41 centavos moneda nacional en la compos-

August 11th, the Committee's decision is put before the Senate for "*resolution.*" [3719]

Senator Francisco J. Ortiz, a member of the Home Affairs Committee, addresses the session.

> *"The Commission of the Interior has studied with interest the request of the heirs of Don Luis Vernet, because it was a request of importance, since valuable lands were assigned to it, on the one hand, and on the other, it deserved respect the antecedents of Mr. Vernet, who undoubtedly has been a meritorious former citizen who has rendered some services of importance to the Nation for the sole purpose of serving it. However, in spite of the Commission's desire to find a way of satisfying the particular interest of those applicants by harmonizing it with the general interest of equity and justice, it has not been able to draw from the considered antecedents any reason which justifies the granting of the land requested by Mr. Vernet's heirs. The Commission believes that this same opinion will be that of the Senate, once it knows the background to the matter.*
>
> *On October 22, **1821**, a law was passed by the Legislature, then of Buenos Aires, regulating the extraction of various products from the Patagonian coast, establishing the right to export these products, and establishing certain franchises at the same time in favor of the individuals who are located on those coasts and (who) exploit the products.* [3720]
>
> *On January 5, 1828, the Executive Power of the Province of Buenos Aires, on the basis of **that law**, issued a decree giving Mr. Luis Vernet the property of Isla de la Soledad (part of the Malvinas) and the*

3716 Pascoe 2020 p.240. See 1883

3717 It had been tied up in Committee for more than two years. *cf.* 1879. See https://falklandstimeline.files.wordpress.com/2018/01/senadoargentina-sesion18820729.pdf

3718 *Congreso Nacional: Camara de Senadores: Sesion de 1882* p.311. Information provided by Fabian Turcato.

3719 *Ibid*. See 1878, 1879 and 1887

3720 For '*products*' read '*fisheries*.' *cf*. October, 1821

Isla de los Estados, on condition, as the decree itself implies, that it was to establish colonies and maintain populations there for three years, after which Mr. Vernet should give an account to the government of the state of the colony, for a resolution.

The law, on which Mr. Vernet's application is based, is part of that decree. In the opinion of the Commission, that decree does not grant him any right, and, even if it did, he would have lost it. It does not give him any rights, because the law of October 22, 1821, which was the provincial law of the Junta de Buenos Aires, did not authorize the assignment of that territory.

(By) The decree of the Government of Buenos Aires, Vernet also was not authorized by any antecedent nor by any law; (it) was simply a decree intended to establish some vigilance on those coasts. That assignment was born without a right cause, and that naturally had no legal value because it had not been authorized by the General National Congress, which was the one which had to regulate donations from national territories. But even supposing that such antecedents could establish a legal basis for the legal ownership of the land, it would have disappeared by subsequent events.

In 1831, three years after Mr. Vernet was in possession, and in which it seems that he had actually brought immigrants or settlers to the Island of Soledad, where he had established livestock, the island was attacked by an American ship,... On that occasion, Mr. Vernet came to Buenos Aires to complain to the Government about the damage suffered. Complaints were filed, which have remained unresolved.

Later, in 1833, the Falkland Islands were invaded by the English squadron, which took possession of them. Consequently, it was not possible for Mr. Vernet to return to colonization or to take possession of land. All this happened with the Island of Soledad; but on the Isle of Estados, which is another part of the claim, nothing has happened; (it) has been abandoned until Congress in the year (18)68 passed a law, giving it in property to Mr. Piedrabuena, in benefit of the services rendered by him to maintain the Argentine flag in those solitudes.

Consequently, the claim of Mr. Vernet's heirs on the Isle of Soledad has no effect for the reasons I have given previously; because it was ***given without right*** *by the Government of Buenos Aires, because its possession was not maintained, and because the Nation had no obligation, even if it had been legally given, to clear up the eviction from territories that had been given free of charge. Neither in civil law nor in any right (that) exists is there an obligation ... in favor of an individual who has received a false donation. He was therefore stripped of all rights. The only right that remained to Mr. Vernet was to claim from England or the United States the damages caused to individuals.As for the Isle of Estados, there was no right, because it was not populated. It served as a station to cut timbers destined to the works that were executed in the Island of Soledad.*

From 1828 to 1868, when it was granted in donation by the Congress to Mr. Piedrabuena, forty years was abandoned, completely vacated. Consequently, it was a wasteland, which Congress could dispose of without taking into account the resolution of the Government of the Province of Buenos Aires. In view of all these considerations, the Commission has concluded that it should not give (recognition) to Mr. Vernet's complaint..." [3721]

3721 *Congreso Nacional: Camara de Senadores: Sesion de 1882.* My emphasis throughout. The actions of the provincial government of Buenos Aires between 1821 and 1828 had been declared *'ultra vires*' – outside its powers – by the counttry's superior legal body, the Senate. Vernet's political appointment as Civil and Military Commander in 1829, by Buenos Aires, was not specifically mentioned during the debate but the same arguments would seem to be applicable (see 1887). Unsurprisingly, the decisions of 1879 and 1882, now rarely get a mention within Argentina. *cf.* 1821, 1828, 1879 & 1887

Argentina's Senate approves the Home Affairs Committee decision to reject the Vernet heir's claim for compensation; *"... without further observation."* [3722]

"... when Vernet's heirs were convinced that every effort they made to the legislature of the province of Buenos Aires would produce negative results, they presented themselves before the national executive, and the latter passed the request to the honorable senate. (This happened back in the year 82) and the Senate rejected the pretensions of Mr. Vernet. The then Senator Ortiz was the one who made the most vivid opposition to the request of said gentleman..." [3723]

"It was already sanctioned in the Chamber of Deputies, and rejected by the Senate, because it was said that it was not fair to recognize the right with which the government of Buenos Aires had made the concession of this colony; prevailing then this doctrine: that the federal government should not respect the colony granted by the government of the province." [3724]

"Vernet's 1828 concession was later ruled null and void in Argentina too. In 1882 the Argentine government declared in the Argentine Congress that the decree of 5 January 1828 was invalid since it had been issued only by the provincial government of Buenos Aires, not by the whole Congress of the Argentine Federation, which alone had the power to cede national territories." [3725]

October 9th, in the Falklands, *Avona*, carrying a cargo of coal, is wrecked on Cape Frechel.

1883 – Falkland Islands' stamps are produced on watermarked paper for the first time.

At Stanley, a French expedition commanded by Luis Ferdinand Martial, in the steamer *Romanche*, stops off en-route to Tierra del Fuego.

> *"The hundred (or so) houses of the Great River parallel to the shore are built of stone and surrounded by a vegetable garden, not to mention the small greenhouse with flowering plants that serves as an entrance to almost all the residences."* [3726]

In Buenos Aires, Dr. Latzina's map is included in a booklet – entitled *'La Republica Argentina como destino de la emigracion europa'* - aimed at attracting migrants from Europe and to be circulated to Argentina's Consulates worldwide. Minister Yrigoyen praises the map before Congress and appeals for more funds to facilitate further distribution; *"The map which Dr. F. Latzina was entrusted with, was printed last year, and distributed in Europe and America with excellent results."* [3727]

3722 *Ibid* p.313. There is an unexpected addendum to this decision. In late 2016, an Argentine antiquarian, Gabriel di Bernardo, offered to sell a document to the Falkland Islands Government for €2.5 million (Euros) which he asserted would destroy Argentina's claims to the Falklands. From the information he provided, it seems likely that the document appertained to the decision of the Senate in 1882. He received no money and subsequently denied the existence of any document after receiving threats to his life from some of his more ardent countrymen.

3723 National Deputy Carbonell during the debate of September 29, 1887 in *Diario de Sesiones de la Cámara de Diputados 1887* pp.19-24. Senator Ortiz would be appointed Foreign Minister by President Roca in October of 1883 and was a leading character in Argentina's renewed claims to the Falkland Islands after 1884; based primarily on geography and an asserted '*inheritance*' from Spain. *cf.* 1816, 1884 & 1885

3724 National Deputy Luro during the debate of September 29, 1887 in *Diario de Sesiones de la Cámara de Diputados* 1887 pp.19-24

3725 Pascoe 2020 p.95

3726 Quoted in Groussac 1910 p.10

3727 Quoted in *International Law Reports* E. Lauterpacht 1979 vol.52. The colours used by Dr. Latzina became an issue during 1977's Beagle Channel arbitration; a consideration of contested sovereignty over three islands situated in the Beagle Channel between Argentina and Chile. On the map, foreign nations such as Chile and Uruguay, were shown in a light beige; the same colour as that used for the Falklands archipelago. Chile believed that Latzina's map was official and confirmed that the disputed Beagle Channel islands lay below the border set by the 1881 Treaty. Argentina, however,

"The Latzina map of 1882-3 provides an excellent example of the relevance of a map not so much for its own sake but for the circumstances of its production and dissemination, making it of high probative value on account of the evidence.., namely of official Argentine recognition,.." [3728]

March 3rd, in the Falklands, a population census records that there are 846 men and 568 women present.

May 5th, from Washington DC, in a letter to Britain, the US State Department refers to the Falklands.

> *"... these islands were ceded by France to Spain in 1763 (sic). By Spain they were in turn ceded absolutely to Great Britain in 1771, but their possession was abandoned, until, in 1820, Buenos Ayres occupied the islands as derelict, and colonized them. Later, in 1831,.. the United States ship of war Lexington broke up the settlement and removed the settlers to Buenos Ayres, and it was not until 1833 that Great Britain enforced her claim under the cession of 1771."* [3729]

May 9th, in the Falklands, the Governor proposes an ordinance to provide licences for the off-shore fishery.

> *"... an application has been made to me by Mr. Hansen, the Lessee of the Jasons, and Carcass Islands for a licence to take seals ... I have submitted this application to the consideration of the Executive Council who agree with me that it is expedient to pass an Ordinance to regulate the issue of licences for the fisheries on the coasts of these Islands..."* [3730]

July 23rd, Governor Kerr's proposals for a licence regime are forwarded to the Foreign Office.

> *"... But a claim has been set up at various times, by the American Government, that by uninterrupted user during the period when the Islands, though belonging to Great Britain, were partially occupied first by the Spanish Government and afterwards by that of Buenos Ayres, American citizens are entitled to fish in the waters of the colony... before authorising the Governor of the Falkland Islands to pass the Ordinance, Lord Derby would be glad to know whether, in Lord Grenville's opinion, such a measure would be likely to lead to any difficulty or misunderstanding with the Government of the United States."* [3731]

August 7th, in London, a Foreign Office note provides its view on the issue of licenses in the Falklands.

> *"If.. an Ordinance was now to be passed compelling them (US sealers) to take out British Licences, it would, I think, be taking too sanguine a view of the matter to expect the U.S. Govt., would not offer some resistance."* [3732]

---

denied that the map had any official character. While basing its decision on the 1881 Treaty, the 1977 arbitration panel agreed that the map confirmed Chile's contention that Argentina had not considered the three islands as its own territory; the official character of the map being demonstrated by Yrigoyen's appeal for extra funding. A similar argument could be made concerning the Falklands. Argentina, however, was not slow to recognise the potential implications, and the creation of a new map was announced just two years later.

3728 *Reports of International Arbitral Awards 18 February 1977 vol.21 pp.53-264. cf.* December, 1884

3729 *Frelinghuysen to Lowell May 5, 1883* in *United States Department of State / Papers relating to the foreign relations of the United States, transmitted to congress, with the annual message of the president, December 4, 1883.* An interesting interpretation except that France made no cession in 1763 (or in 1767); Spain made no cession in 1771, although it did recognise the British in the westerns Falklands; and at no point did Britain abandon its claims to the archipelago. See - https://history.state.gov/historicaldocuments/frus1883/d225

3730 *Gov. Kerr to Earl Derby May 9, 1833* in *FO 97/541*

3731 *Ibid.* A note scrawled onto the document referring the proposal states; *"... the Govt. must be prepared to expect protests from the Americans against the Orders which the Governor of the Falkland Islands proposes to issue & that the whole question will be reopened by the U.S. Govt."* The author's signature cannot be made out.

3732 *FO 97/541.* Once again the author's signature is unreadable.

"The Colonial Office were disposed to authorise the Governor to carry out his proposal, the licences to be granted to foreigners as well as the inhabitants of the Colony. The Foreign Office, however, ..." [3733]

August 25th, the Earl Derby, Secretary of State for the Colonies, is notified.

> *"Lord Granville is of opinion that, in view of the claim repeatedly put forward by the United States to a right to fish in those waters, although that right has invariably been negatived by this Country, the Govt. of the Colony must be prepared, in the event of the issue of such an Ordinance…, to expect protests on the part of the Americans,.. and which protests would necessarily lead to the re-opening of the whole question of the Falkland Island Fisheries."* [3734]

November 9th, informed of Foreign Office concerns, Governor Kerr agrees not to pursue an Ordinance regulating the fisheries around the Islands.

> *"… I will grant permissions for such of the Colonists as apply for them to take seals, on the coats of the districts which they own or occupy."* [3735]

1884 – January 28th, from Buenos Aires, Minister for Foreign Affairs, Francisco Ortiz, instructs Argentina's representative in Washington DC, Luis Dominguez, to raise the issue of the *Lexington* raid 53 years earlier. [3736]

> *"I have the pleasure of expressing to Your Excellency that this Government has resolved to reopen in London the discussion of its right to the Falklands in order to obtain their return. At the same time, I believe that it is convenient to insist on the claim brought against the United States for the damages and damages caused in 1831 by Commander of the corvette of war "Lexington", Silas Duncan, violently assaulting and destroying the colony Argentina established in the port "La Soledad." …*
>
> *The postponement of the question no longer serves any purpose,.. should be noted that the heirs of Don Luis Vernet have presented their case in Congress, and that the opinion is favorable to their demand.*
>
> *The Government cannot do less than make its own claim for damages and injury caused to a citizen, who has suffered them in the performance of public functions of high office."* [3737]

Minister Dominguez is advised that he should not enter into any discussion with regard to the sovereignty over the Falklands, as that is a matter between England and Argentina and does not change the fact that an Argentine establishment was attacked and destroyed by the commander of the *USS Lexington*.[3738]

Dominguez is told that the value of the damage is 207,728 strong (silver) pesos and that that sum should be used as a baseline in the negotiation. If a settlement is not possible, the Minister is instructed by Ortiz that, as a last resort, he should propose the use of an arbiter; possibly the President of the Supreme Court of the USA.

3733 Orchard 1928 *in FO 371/12736/324*

3734 *FO 97/541*

3735 *Ibid.*

3736 Quoted in full in Fitte 1966 pp.455-457. See also *A 182 años de la invasión estadounidense a Malvinas y Después… ¿Reconoce Estados Unidos la Soberanía Argentina en Malvinas* Pablo José Reid 2014 in *Newsletter of the Board of Historical Studies of La Matanza: National University of La Matanza,* July 2014.

3737 The purpose, in 1842, had been to facilitate the resumption of diplomatic relations between Argentina and the USA which required that the issue of the 1831 *Lexington* raid be set aside. A deferment supposedly until Britain and Argentina had resolved their dispute over sovereignty. See 1879 & 1882.

3738 *Hispanic-American relations with the United States* W. Spence Robertson 1923 ch.5

"The wording of the claim ... was submitted for the opinion of Don Bartolme Mitre ... Mitre was pessimistic with respect to Argentine rights; attaching great importance to the documentation submitted by the British."[3739]

April 25th, from Washington DC, Minister Dominguez questions his instructions in a letter to Ortiz. [3740]

> *"Permit me Your Excellency to observe that I understand that this question, concerning the United States with the Argentine Republic was settled and was concluded by solemn official acts subsequent to the date of that note*[3741] *by Mr. Webster. ..."*

Dominguez argues that when the issues were previously presented, the US Government had supported Commander Duncan's action; objecting to the damages wrought on their fishing vessels by Luis Vernet. Referring specifically to the last exchange between General Alvear and Secretary Webster in 1842, Minister Dominguez reminds Ortiz: *"... it was intended to wait for the outcome of the sovereignty of the Islands, occupied for eight years by England, and as it seems that this suggestion was accepted by the Argentine Government, to whom General Alvear referred it in his note January 4, 1842, ... I say that it appears that Mr. Webster's proposal was accepted, because Mr. Webster relied upon this acceptance for the renewal of diplomatic relations cut by Mr. Baylies."* [3742]

Dominguez concludes that, as a result, there have been continued friendly relations between the USA and Argentina. Cemented in the treaty of friendship of 1853 which, in its preamble, stated that relations were; *".. regular, known and confirmed..."*

> *"... this new state of affairs bears witness to the harmony that for more than thirty years has reigned between the two Republics; the Malvinas business and the seizures and confiscations attempted by Commander Vernet have never been mentioned in the United States since more than half a century ago."* [3743]

New Zealand and Australian newspapers report rumours that the British Government may exchange the Falkland Islands for New Caledonia, in a deal with France. [3744]

May 6th, in Argentina, President Julio Roca addresses the nation's Legislative Assembly, regarding the Conquest of the Desert.

> *"Not a single Indian crosses the Pampas where many tribes used to live."* [3745]

3739 Rozas 1948. Rozas cited Mitre's *Observaciones a la Reservada del 28 de enero de 1884, y al Memorandum correspondiente sobre la cuestión de las Islas Malvinas, pendientes con la Gran Bretaña y los Estados Unidos*. Bartolomé Mitre had been Argentina's President between 1862 and 1868. The documents probably being those from Lord Palmerston in 1834.

3740 Quoted in Fitte 1966 pp.457-462

3741 See December 4, 1841

3742 *Dominguez a Ortiz 25 de abril, 1884* in Fitte 1966 p.459. In support, Dominguez quoted President Tyler's message to the US Congress of December, 1843. *cf.* 1843

3743 *Ibid.*

3744 Following the visit by HMS *Bacchante* in 1881 with Princes Albert Victor and George, an account of the voyage was published in their names, although mainly written by their tutor, the Rev. Dalton. It was he that had first expressed the opinion that the Falklands' colony could be exchanged with the French for New Caledonia. Undoubtedly the foundation for these press reports. See 1881 & Tatham (ed.) 2008 p.34

3745 Julio A. Roca, presidential speech before the Legislative Assembly, 6 May 1884 (National Congress, daily report on sessions) quoted in *Discussing Indigenous Genocide in Argentina: Past, Present, and Consequences of Argentinean State Policies toward Native Peoples* W. Delrio; D. Lenton; M. Musante & M. Nagy 2010 in *Genocide Studies and Prevention: An International Journal*: vol.5:2

"During the nineteenth century, Argentina consolidated its possession over its northern frontier and, following a genocidal war against the indigenous populations, expanded into the vast Patagonian region on the eastern side of the Andes. The 'Conquest of the Desert' not only referred to the arid landscape of Patagonia but also to the notion that Argentina's expansion southwards was in the name of extending the values of civilization to the indigenous populations, in common with the imperial enterprise more generally." [3746]

"Modern Argentina does not correspond to the territory of the former Viceroyalty: it covers only part of the Viceroyalty's area; the Intendancy of Buenos Aires excluded much of what is now northern Argentina, and the present division of Patagonia between Argentina and Chile does not follow any Spanish division." [3747]

May 30th, in Buenos Aires, British Minister Edmund John Monson speaks to Minister Ortiz regarding Argentina's relations with Brazil; over a boundary dispute in an area known as the *Misiones*.

> *"... I said both this Country and Brazil had such an (..) extent of territory that they could well afford to be lenient in pushing territorial claims. His Excellency smiled at this; and then said that there was an Empire much more extensive and much more powerful than Brazil, to the Government of which President Roca's advisers were meditating addressing a territorial claim. He wished, he said, to tell me, most confidentially, that the* ***Argentine Government intended re-opening their claim*** *to the Falkland Islands.* [3748]
>
> *I interrupted His Excellency at once by stating that, if his Government contemplated so serious a step, I thought that the better and more regular course would be to cause the communication to be made to Your Lordship by the Argentine Minister in London. That I was taken by surprise at this broaching it to me; and that I was thus placed at a disadvantage; for, to tell him the truth, I could hardly say that I was aware that the claim had not been dropped.*
>
> *His Excellency replied that the claim had been put forward several times; but that it had never been pressed as it might have been, because the unsettled state of the Confederation – the internal provinces and partisan disputes – had weakened the action of the Central Government as regarded foreign politics. Now that the country was consolidated, and was "rounding off" its territories, it seemed advisable to take advantage of the moment to settle all its territorial claims; and his object in mentioning the matter to me was to request me to inform Your Lordship, most confidentially, that the Argentine Government contemplated reviving their claim to the Falkland Islands. He did not want to say more at present than that his Government thought it a question which might fairly be settled by arbitration. Great Britain had already set so good an example to the world in accepting the principle of arbitration, that the Argentine Government felt convinced beforehand that they might safely appeal to Her Majesty's Government to give to this proposition their most equitable consideration.* [3749]
>
> *I answered that His Excellency was right in attributing to Her Majesty's Government an honest desire to treat with the utmost impartiality and justice any claims which a Foreign Government might think itself justly empowered to bring forward; but that beyond this broad statement I could not go. Besides I felt certain that His Excellency would not expect me to give any opinion as to the probability or improbability of the acceptance by Her Majesty's Government of the proposal to submit the question*

3746 *Reluctant collaborators: Argentina and Chile in Antarctica during the International Geophysical Year, 1957–58* A. J. Howkins 2008 in *Journal of Historical Geography* 34 (2008) 596–617. Bibliography reference – Howkins 2008 (2)

3747 Pascoe 2020 p.51

3748 My emphasis. Recognition that the Argentine claim had been 'closed'?

3749 Not a formal protest, nor a formal invitation to arbitration. Just a conversation. A Minister sounding out an Ambassador.

to arbitration. If His Excellency would not, as I thought he had better do, instruct Dr. Garcia to broach the matter in London, I would agree to become the channel of his communication to Your Lordship; but that I must decline to express any opinion upon so grave and important a proposal thus suddenly put before me.

Dr. Ortiz said that he wanted nothing more at this moment; but that with regard to his having selected me as the channel of communication he particularly wished, and so did the President, that the initiative should be taken in this manner; and that moreover; he should prefer to carry on the discussion as soon as possible at Buenos Ayres.

He reiterated his request for secrecy, as he was most anxious that for the present nothing should be known upon the subject by the public; and he concluded by begging me to request Your Lordship to let me know, as soon as possible, the view which Her Majesty's Government took of the attitude of the Argentine Government thus communicated to them."[3750]

Minister Monson reports to London.

"I was naturally most surprised at being suddenly made the recipient of a statement that Her Majesty's Government were to be asked to make a cession of territory to which the exercise of possession for more than half a century seems to give Her Majesty the stronger prescription right,.." [3751]

"In international law a protest must clearly and explicitly indicate the act against which it is directed. The protesting state must communicate it to the government of the state concerned." [3752]

"... the Buenos Aires government was far from representing either territorially or politically the whole of the vice-royalty of La Plata within whose jurisdiction, even if the Spanish titles were admitted, the Falkland islands were claimed to come. It was not until 1884 that their protests put forward a doctrine of contiguity as a basis for their claims." [3753]

"This new initiative on the Falklands in 1884 demonstrates ipso facto that Argentina's title had become extinct – in saying "the Argentine government contemplated reviving their claim to the Falkland islands," foreign minister Ortiz confirmed that Argentina had not maintained its claim. That disproves all assertions that Argentina "has never ceased to protest"at Britain's possession of the Falklands." [3754]

June 4th, Monson acquaints the Governor at Stanley of the '*project*' entertained by the Argentine Government.

"(Ortiz) requested me to make a confidential communication to Her Majesty's Government with a view to learning whether Great Britain would consent to an arbitration on the question of her rights of Sovereignty over those Islands... Looking back to all the correspondence of former years with regard to this claim and especially to the very distinct and uncompromising enunciations of Lord Palmerston and the Earl of Aberdeen, I am inclined to anticipate that Her Majesty's Government will not be disposed to allow their right of Sovereignty over the Falkland Islands to be questioned at all; much less that they will agree to submit these rights to the decision of an arbitrator..." [3755]

3750 *Monson to Granville May 30, 1884* in *FO 6/503/1.* There is a suggestion in Rozas 1948 that ex-President Mitre had recommended to President Roca that Argentina adopt a softly-softly approach, until it became clear just how committed Britain would be to retaining the Islands.

3751 *Ibid* at *FO 6/503/7*

3752 *The Denunciation of Treaty Violation* Q. Wright 1938, p.526

3753 British 'Bulletin' issued by the Embassy in Buenos Aires in 1949 and quoted in *The Chicago Tribune* July 8, 1949. Contiguity is geography.

3754 Pascoe 2022 vol.3 p.138

3755 *FO 6/503/13*

In a new Buenos Airean newspaper, *Messenger*, the Australian and New Zealand news reports of an agreement to exchange French New Caledonia with the British Falklands, are repeated.

> *"Dr Ortiz asked me, … whether I knew anything about this alleged negotiation. I replied that this was the first time that I had learnt of it; and that I did not believe that it had ever taken place. His Excellency observed jocularly, "Oh! If you cede the Falklands to the French we will offer to buy them. They would take a million or two of francs no doubt; but to you we should not think of making a bid for them, as you turned us out of them before with scant ceremony (Con muy poco respecto)."*
>
> *I said that all that had been discussed between the two Governments long ago; and that I did not believe that, since the year 1849, when a somewhat sharp correspondence took place between Lord Aberdeen and Senor Moreno, the question of the Falkland Islands had ever been mentioned on either side.*
>
> *Dr. Ortiz said that that was so; and added that, as he had already explained to me, the President was anxious that the discourse of the question should be prosecuted here between himself (Dr. Ortiz) and me.*
>
> *I told him that I had so reported to Your Lordship, and that until I learnt from you in reply to my communication I wished not to discuss the question at all. Upon that the subject was dropped."* [3756]

"The (newspaper) writer … explained that the object of Her Majesty's Government in this alleged transaction is to relieve the Australian Colonies from the dangerous vicinity of a French Penal Station, (and) inveighs against the monstrous indifference to Argentine interests displayed by Great Britain in thus exposing the Atlantic Coast of the Republic to the incursions of convicts…" [3757]

July 1st, responding to Minister Dominguez in Washington DC, Argentina's Foreign Minister rejects the suggestion that the resumption of diplomatic relations between the USA and Argentina were dependent on an abandonment of any claim arising from the 1831 *Lexington* raid. Writing from Buenos Aires, Ortiz suggests that nothing can be found in support of this.

> *"In the various memorials presented to the Legislature of Buenos Aires by the Office of Foreign Affairs of the Confederation since 1841, in which the question was postponed until 1849, it was always stated that "the integrity and devotion of the US Government inspired in the Confederation hope that the claims of the Republic, pending before the Washington Cabinet, would have a dignified and honorable solution for the countries. These statements of the Government were therefore made on the basis of the pending claims for the assault carried out in the Malvinas Islands by Captain Silas Duncan...*
>
> *That government has not given us any satisfaction or compensation for the damages it caused to individuals, and there is no reason why it should be exempted from such serious responsibilities. … What is needed by this is that the United States Government recognize that the conduct of Commander Duncan was contrary to (our) rights and a violation of our sovereignty. …*
>
> *Besides, our right is unquestionable and it is not advisable to postpone the reopening of the claim. … The Argentine Government has always recognized and paid with exactitude all the claims of American*

3756 *Ibid (Monson to Granville).* Obscurely, this suggestion of an 1884 exchange with France was raised in the House of Commons nine years later. Asked whether there was a record of such French willingness, the Under-Secretary of State for Foreign Affairs, Sir E. Grey, answered in the negative. *HC Deb 16.3.1893 vol.10 c223*

3757 *Monson to Granville June 16, 1884* in *FO 6/503/15*

citizens ... since the time of Independence, as Your Excellency remembers very well, and it would not be fair that, having kept for our part the forms and differences due to the friendly governments, did not obtain reciprocity in similar cases. Under these concepts Your Excellency must proceed to comply with the instructions contained in the above note of January 28." [3758]

July 28th, from London, Earl Granville sends instructions to Minister Monson.

"... I have to instruct you to take an early opportunity of reminding His Excellency that the Argentine Government had repeatedly been informed that Her Majesty's Government could not permit any infringement of Her Majesty's Rights of Sovereignty over the Falkland Islands, you will add that in the opinion of Her Majesty's Government, no good could possibly arise from an attempt to reopen the question." [3759]

August 19th, in the Falklands, *Rotomahana,* with a cargo of coal and salt, burns at Elephant Cay.

September 6th, in Buenos Aires, Britain's Minister informs Dr. Ortiz of Granville's instruction.

"... and I told His Excellency that, to avoid all chance of misunderstanding, I had brought him an accurate copy of Your Lordship's own words which I would leave in his hands. Dr. Ortiz received my communication very imperturbably. He said that of course he regretted that Her Majesty's Government had such a decided view, because his Government had an equally decided view in an opposite sense. It was not a question that could ever be a pretext for violent measures; but the Republic could not but regard the Falkland Islands as both naturally and legally hers; naturally by reason of their geographical position; legally as part of her inheritance from the Mother Country. [3760]

I took no notice of the geographical argument, which, as far as the country is concerned, has always seemed to me entirely inappropriate, or, if it be worth anything at all, derives its value only from the recent formal acquisition of Patagonia; which, indeed, Dr. Ortiz' original expression as to "rounding off" the territories of the Republic appeared to imply. With regard to the question of inheritance, however, I reminded His Excellency that Spain had expressly recognised, in the most explicit manner, the Rights of Sovereignty of Great Britain over the Islands, and that the Mother Country had never in any way retracted that recognition, and that consequently there could be no such rights of inheritance accruing to the Republic. [3761]

Dr. Ortiz, however, reverted to the old fallacy, so completely exposed by Lord Palmerston, of a secret understanding of retrocession between Great Britain and Spain. I was surprised at his doing so because, unless he had made some fresh and improbable documentary discovery, there is absolutely, since the refutation above referred to, no pretext for any such argument. He however made it with all seriousness and gravity; and I answered him that Her Majesty's Government had clearly established during the former controversy that no such secret understanding had ever been entered into. I spoke throughout as if I assumed that the question of the revival of the Argentine claim was at an end; but I do not dare to assure Your Lordship that I feel at all certain that such is the case. ..." [3762]

3758 Quoted in Fitte 1966 pp.463-465. Dominguez tersely acknowledged the instruction on August 25, 1884. At this time, an American businessman was pursuing a claim against the Argentine government amounting to some $40,000 for damages caused during 1874. Ortiz wanted a bargaining chip. An acceptance by the USA of Argentina's rights to the Falkland Islands would also have been very useful in his conversations with Minister Monson.

3759 This response did not reach Buenos Aires until the second or third week of August.

3760 As to the irrelevance of geography, see the *Islas de Palmas* arbitration of 1929. For a discussion on inheritance, see 1816 and 1848, above.

3761 Probably a reference to the convention of 1771, although it could also be a nod to the visit by Spain's Admiral in 1863.

3762 *Monson to Granville September 8, 1884* in *FO 6/503/55*

September 16th, in the Falklands, a British barque, *C.A. Belyea*, is wrecked on Volunteer Point. [3763]

September 18th, in Buenos Aires, the Argentine Geographical Institute is commissioned to prepare a new map of Argentina, to include the Falkland Islands as Argentine territory. Argentina's Congress votes a sum of money to cover the costs. [3764]

"The Argentine government still did not protest, and said nothing at all in London, but commissioned the Argentine Geographical Institute to publish a new atlas of Argentina, for which the Argentine Congress voted 25,000 pesos; it was to include a map showing the Falklands as Argentine territory. That was extraordinary, given that the 1882 Latzina map, which showed the islands as outside Argentina, had only recently been published (in 1883) in 120,000 copies and was being distributed by Argentine consulates all over the world."[3765]

In Washington DC, Argentina's Minister Dominguez finally submits a claim for compensation to the US Government; based upon the action of the USS *Lexington* at East Falkland Island in December, 1831.

"Twice, through formal notes to Secretary F. T. Frelinghuysen, he presented the Argentine claim for indemnity and damages. He received no reply. ..." [3766]

September 24th, in Washington DC, Argentina's Minister Dominguez addresses a further letter to US Secretary of State, Frederick Frelinghuysen.

> *"... to request from the United States the final solution to the extremely serious incident of the Falkland Islands, which was postponed in 1841 on the proposal of the eminent predecessor of Your Excellency, Mr. Daniel Webster.*" [3767]

Noting that the US State Department already has all the records, Dominguez outlines the events of December 1831 through 1832; up to the return of Britain to the Falklands with a "*naval division*" in 1833.

> *"... Argentine Government has not yet received ... a single word of reparation from the United States Government nor (anything) to satisfy its injured dignity, nor to compensate it for the damages and damages caused by the destruction of the (afore)mentioned establishment."* [3768]

October 12th, in Ushuaia, Tierra del Fuego, the flag of the Republic of Argentina is raised over the missionary site founded by Waite Hockin Stirling in 1869. [3769]

October 16th, Argentine legislation (*Law 1,532*) subdivides the *Gobernación de la Patagonia* into the territories of Rio Negro, Neuquén, Chubut, Santa Cruz and Tierra del Fuego.[3770]

3763 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*
3764 See 1885 and 1888 below.
3765 Pascoe 2020 p.246
3766 Peterson 1964. *cf.* 1885
3767 Quoted in full in Fitte 1966 pp.467-468
3768 *Ibid.*
3769 A number of sources (including *Ushuaia 1884-1984* Arnoldo Canclini 1984) suggest that the Rev. Thomas Bridges was persuaded by Commodore Augusto Lasserre to lower the British Union flag at the mission and raise the standard of the Argentine Republic. The mission remained *in situ* until 1888. *cf.* 1869 & 1881
3770 Sanctioned October 1, 1884. For a chart, see https://falklandstimeline.files.wordpress.com/2019/03/1887-governship-of-tierra-del-fuego-and-the-malvinas-islands-by-mariano-felipe-paz-soldan.jpg *cf.* 1990, 2006 & 2009

"6°.- Government of Tierra del Fuego, with its natural limits, according to the treaty of July 23, 1881, and also the Isla de los Estados." [3771]

"... in 1884, law number 1532 on the organization of national territories was issued, establishing the governorates of Misiones, Formosa, Chaco, La Pampa, Neuquén, Río Negro, Chubut, Santa Cruz and Tierra del Fuego. This administrative structure lasted for several decades..." [3772]

"It should be noted that the decree dated June 10, 1829 included the Falklands/Malvinas and Tierra del Fuego as one single administrative division." [3773]

October 30th, reflecting on his recent exchange with Dr. Ortiz, Monson reports; *"... that the only reason which presented itself to his mind as the motive for this extraordinary policy was the effect which the action of the Government might have upon the next presidential election."* [3774]

In Chile, a map by Alejandro Bertrand is published for use schools (right). [3775]

November 13th, in the Falklands, *Menai Straits'* cargo of coal burns in Salvador Waters.

December 2nd, from Washington DC, Minister Dominguez informs Ortiz that he has still not received any response from the US Secretary of State, with regard to his note of September 24th.

December 8th, in Buenos Aires, the *Argentine Geographical Institute* announces in *La Nacion* that it is preparing an atlas which is to include the Falkland Islands within Argentine territory. [3776]

".. as an integral part of the Argentine Republic. Here geography is harmonised with the policy of the Nation and its eminent rights."

"Now seems reborn the legitimacy of claims suspended, but not abandoned. The Ministry of Foreign Affairs can not remain indifferent; and of course the national executive that protects it authorized the formation of the Atlas, as the only official expression of the extension of our territories in South America, ..." [3777]

3771 *Ley N°1532 de organización de los Territorios Nacionales de 1884 16 de octubre de 1884 Congreso Nacional.* See 1881 for the terms describing Tierra del Fuego for the purposes of the treaty; Art. 3 of which includes the line – *"As for the islands, to the Argentine Republic shall belong Staten Island, the small islands next to it, and the other islands there may be on the Atlantic to the east of Tierra del Fuego and of the eastern coast of Patagonia;..."*

3772 Argentine Congress August 3, 2006, *Document 4302-D-06*

3773 Kohen & Rodríguez 2017 p.182. Without, apparently, actually naming the archipelago. *cf.* 1829 & 1957

3774 Not due in Argentina until 1886

3775 Bertrand had been a member of the Boundary Commission charged with marking out the 1881 Chilean-Argentine border. Worthy of note that the north-south line across Tierra del Fuego is not exactly as Argentina had put it in its own chart of 1881. See above. The Falklands are given their Spanish name, while the east and west islands are identified with their British name.

3776 *La Nacion* had been founded by Bartolomé Mitre in January, 1870: ex-President, author and historian and, it appears, head of the Argentine Geographical Institute. The same story was repeated in *El Nacional*.

3777 Editorial in *La Nacion* December 8, 1884. *cf.* 1820

"The author of the article records "the act of usurpation" by a European Power; and the unheeded protests of the Argentine Government, repeated annually until the year 1851 (sic). He then asserts that the United Provinces of the River Plate took solemn possession of the Islands in 1820: and, that, after ten years unchallenged possession, a German was sent to them, who, after being violently expelled by a British Man of War, received, a long time subsequently, a portion of the indemnity which he had claimed. The article proceeds to refer to the support given in Washington to the Argentine pretensions, and to the unanimity of opinion entertained by public men in this Country with regard to them. An appeal is made to the Executive Government, which cannot long remain indifferent to the legitimacy of the claim; and the hope is expressed that England will consent to recognise it." [3778]

"... there had been no such map before." [3779]

December 11th, the *Buenos Aires Herald* reports.

> *"We cannot see a shadow of right which Great Britain has to these Islands; and if justice prevails, they will be returned to Argentine jurisdiction. Neither the United States nor Great Britain show in good advantage in the antecedents to this case; and both are bog enough to be able to afford to confess an error, and restore property not fairly acquired."*

In Patagonia, the last of the indigenous tribes surrender to forces under General Conrado Villegas, signaling an end to Roca's Conquest of the Desert.

"... a growing number of academics and journalists see the conquest as a genocide. According to Carlos Martínez Sarasola, an Argentine anthropologist, up to half of the indigenous people living in Patagonia were murdered during the conquest. Marcelo Valko details in his book Pedagogia de la Desmemoria (The Pedagogy of Forgetting) the process during the conquest through which a group of 3,000 indigenous people were put into concentration camps and forcefully baptised and tortured. "We've been told a story that is very different from the real events that took place. It was those who benefited from the conquest who wrote this story. If you were one of the 1,845 families that received a total of 42 million hectares from Julio Roca, he's going to be your benefactor forever. These are the same families that dominate today's politics", said Valko in a recent interview with the newspaper Conclusión. ... "The conquest established an official narrative: the idea that indigenous people were dangerous savages, that the conquest was a fight between civilisation and barbarism. And unfortunately, this ideology still persists until this day", said Sarasola." [3780]

"... recent scholars and activists have reconceptualized the Conquest of the Desert as genocide. ... Thinking of the conquest as a genocide implies, in the first place, understanding the process in terms of crimes against humanity, as the Argentine state identified indigenous populations as a dangerous "internal other". This process allowed the forced incorporation of the Natives into the labor market at the same time that they were stripped of material belongings, territory, and their own forms of social organization and cultural production. The genocidal process was successful in the sense that it achieved the definitive subjugation of the Natives and their incorporation into the Argentine state-nation-territory matrix, denying their existence as cultural and sociopolitical units. ... In the official documents, we have found information on concentration camps operating from 1878 until 1888 ... Although the campaigns were officially ended by 1885, we find evidence of camps

3778 *Monson to Granville, December 17, 1884* in *FO 6/503/72 – 77.* An inaccurate journalistic piece. There had been no annual protests to Britain, just statements made at the opening of the Legislature in Buenos Aires each year. The last being made by President Rosas in December, 1849. A rare mention of Jewett however. *cf.* 1820, 1828 & 1833.
3779 Pascoe 2020 p.246
3780 Lucia He 2018

supported by the state until 1888. These camps were the bases from which at least ten thousand Indians were deported from their sovereign lands ... Men, women, and children were transported on demand to the growing agricultural centers and the city of Buenos Aires. Many men were sent to work in slavery-like conditions in the sugarcane- and grape-harvesting regions of Tucumán and Mendoza. Young men were also made to join the army, with mandatory service terms of at least six years. ... Women and children were mostly delivered to the cities in order to work as domestic servants." [3781]

December 15th, in Buenos Aires, Britain's Minister Monson sends a *Note* to Foreign Minister Ortiz ;

> *"One or two Journals of this Capital have recently stated that in the Atlas and Maps of the Argentine Republic, now being prepared under the auspices of the "Argentine geographical Institute" by a Committee presided over by ex-President Mitre, and for which, if I am not mistaken, the national Congress has voted the estimated cost, it has been decided to include as National Territory, the Group of Islands known as the "Falklands", which Islands form a portion of the Dominions of the Queen, my August Sovereign.*
>
> *This report, promulgated by a few newspapers, has of course, no official character. It is therefore one which I could have no right to assume to be founded on fact, were it not that, as far as I am aware, no official or authoritative contradiction has been given to it. Although the Geographical Institute is not a Department of Government, it is in this instance employed on work committed to its charge by Congress; and I presume that the new Map will be considered as an official National Map.*
>
> *Under these circumstances Your Excellency will, I think, consider it very natural that I should be anxious for authoritative information, to be transmitted to my Government, as to whether the forthcoming Map will be considered by the Argentine Government to be official; and whether it is true that the said Map will include the Falkland Islands as national Argentine Territory.*
>
> *In asking your Excellency to be so courteous as to afford me this information at an early date in the confidential form as I have given to this Note, I have only to add that it is solely the gravity of the matter in question which induces me to communicate with you in reference to a newspaper statement, for which of course, the Argentine Government are in no way responsible. I avail myself of this opportunity to renew to Your Excellency, the assurances of my highest consideration."* [3782]

Monson then prepares a report for Lord Granville, to inform the Secretary of State for the Colonies that he has requested information in a confidential *Note* to the Argentine Foreign Ministry: *"... in which I have pointed out the gravity of the reported decision of the Government, and have asked him to state to me, for the information of Her Majesty's Government, whether the Argentine Government consider the forthcoming Map to be official; and whether it will include the Falkland Islands as National Argentine Territory."* [3783]

> *"I have endeavoured to obtain accurate information respecting the extent to which the forthcoming Map and Atlas may be considered official publications. They are, I understand, to be drawn up by the "Argentine Geographical Institute", which is to receive for the purpose a subsidy of Twenty Thousand Dollars (Four Thousand Pounds), already voted by Congress. I am also told that the National Government is to have forty thousand copies of the Map and Atlas, when completed; but it does not appear that they are likely to be ready for publication for some time to come."* [3784]

3781 Delrio and Pérez 2020

3782 See - https://falklandstimeline.wordpress.com/wp-content/uploads/2024/08/monson-to-ortiz-dec-15-1884.pdf

3783 *Monson to Granville, December 17, 1884* in *FO 6/503/83.* Monson sent two despatches on the same day; this from the second.

3784 *Ibid*. in *FO 6/503/72 – 77.* This from the first letter

December 19th, Dr. Ortiz responds to Monson.

"Ortiz replied on 19 December 1884 that he could not say whether the map was official, but he said its publication would not alter the position regarding sovereignty over the Malvinas or Falkland Islands, and he could give the same answer as the Argentine Minister in London in 1849 had received from Viscount Palmerston, that the declarations made did not alter the state of the pending issue, which was considered by the British government to be the same as in 1843. That of course was untrue. Palmerston had not said in his reply to Manuel Moreno on 8 August 1849 that the question was in the same state as in 1843, but that it stood exactly as described in Moreno's letter of 27 July 1849, which included Palmerston's own Commons statement that the matter had lapsed by Argentina's acquiescence" [3785]

From Buenos Aires, Monson telegrams London.

> *"Minister of Foreign Affairs professes (an) inability at present to to give categorical reply either as to official character or scope of map; justifying his attitude by necessity of reserve, by insufficient information, and by a reference to correspondence with Lord Palmerston of July August 1849. May I protest hypothetically?"* [3786]

December 20th, at the Ministry of Foreign Affairs, Monson speaks to Ortiz. Dissatisfied with the responses given the previous day, Monson threatens to lodge a formal protest.

> *"I objected that the map was to be published at the national expense, and that Congress had voted a special sum for the purpose. Doctor Ortiz replied that it was not so: that the sum voted by Congress was simply a grant in aid of a scientific Institution, and for any works or purposes that that Institution might be pursuing. Such grants were made for the encouragement of scientific research; of exploration; and of many other cognate objects. The Geographical Institution was is no sense a public department; and the pecuniary aid thus given by Congress could not fairly be held, and was certainly not held by him and his colleagues, to impress any official character upon the result of its labours and operations…*
>
> *I requested Doctor Ortiz to repeat to me the categorical declaration he had before made so that there should be no mistake about it. His Excellency thereupon re-affirmed that the Argentine Government neither considered the Map official, nor were in any way responsible for its contents. I told His Excellency that I thought that that declaration would satisfy Her Majesty's Government, …"*[3787]

"Ortiz assured Monson on 20 December 1884 that the funds voted by Congress were not specifically for the map, but were general funds for the Geographical Institute." [3788]

December 23rd, Argentina's *Nacional Tribune* newspaper reports on a meeting of the Geographical Institute of the previous day, and those resolutions passed which refer to State funding for the proposed map.

> *"… (it) seemed to me to be in direct contradiction to Doctor Ortiz' explanation; and I lost no time in sending him a note, pointing out to him the discrepancy, and asking him to clear it up."* [3789]

3785 Pascoe 2020 p.246. See 1849.
3786 *Monson to Granville, December 19, 1884 (Telegram)* in *FO 6/503/93. cf.* 1849
3787 *Monson to Granville, December 31, 1884* in *FO 6/503/97*
3788 Pascoe 2020 p.246
3789 *Monson to Granville, December 31, 1884* in *FO 6/503/97*

December 24th, Ortiz responds to Monson's note of the 23rd.

> *"In his reply...which I received on the 26th instant, His Excellency does not allude to the misconception into which I had been led. He sends me a copy of the law; authorising the Executive Government to pay twenty five thousand national dollars for the compilation of the map; but again insists that that does not make the map official; that only a decree or declaration of the Government can have that effect; and that I ought to await the event before making any further remarks. He reminds me that the rights of Sovereignty are not established by the colouring on a map, and hints that to settle the question it would be well to enter upon a radical examination of its elements. Upon a consideration of the precise terms of the law thus communicated to me, I could come to no other conclusion than that Her Majesty's Government would regard the Map as official; that the world at large would so regard it; and that the omission to inform me whether the Falklands would or would not be included into it as national Territory... implied that the decision had been taken to include them. I therefore determined to send Doctor Ortiz a formal written protest..."* [3790]

"On 24 December Ortiz replied that the Geographical Institute was neither official nor an office of state; he enclosed a copy of the law passed by Congress, voting 25,000 pesos to produce the map, but asserted that the map's character did not depend on the source of its funding; it depended on whether it was afterwards declared or decreed to be official." [3791]

December 26th, on receipt of Ortiz's reply, Britain's Ambassador registers a formal protest with the Government of Argentina.

> *"... By a law of 18th Sept: last the National Congress authorized the payment to the Arg Geographical Institution of the sum of Twenty five thousand National Dollars to cover the expenses of the publication of the Map of the Republic now being compiled ...*
>
> *On the 8th of the present month there appeared in the leading column of the newspaper 'El Nacional' an assertion that this new Map would include the Islands known as the Falklands or Malvinas as national Argentine Territory. This statement has been accepted as authentic by at least two other newspapers of this Capital, and has received no contradiction, official or journalistic, up to the present date. It appeared to the Undersigned, and it still appears to him, that a Map for which a special grant of money has been voted by Congress cannot be, and will not be, regarded by Her Majesty's Govt and by the world at large, in any other light than as an official Map. H. E. the Minister of Foreign relations, however, is by no means of the same opinion. He maintains that the Map cannot be considered official, and that the Arg: Govt. are in no way responsible for its contents, until they formally accept it by a government declaration or decree. The Undersigned has given his careful attention to the reasoning of H. E. the Minister of Foreign Relations in this sense; but he has found himself unable to accept the view taken by H. E. as to the non-official character of the forthcoming Map.*
>
> *... the Undersigned cannot, in view of the positive orders which he has received from H. M. Government, afford to leave any doubt in H. E.'s mind as to the sense which they would attribute to the inclusion, as National Argentine Territory the Islands known as the Falklands or Malvinas, in a map compiled by the dircet sanction and on the account, of the National Congress, of a Group of*

3790 *Ibid.* at *107*
3791 Pascoe 2020 p.246

Islands forming part of the Dominions of the British Crown.The Undersigned, therefore, in execution of his instructions, has no alternative but to place on record the formal protest of H. M. Minister against any such inclusion, or any decision authorizing such inclusion. ...''[3792]

Monson informs London of his actions.

"The confidential communications which have passed between Doctor Ortiz and myself with regard to the forthcoming Map of the Argentine Republic and the reported inclusion of the Falkland Islands therein as national Territory, have ended in a divergence of opinion between us which has left me, in my judgment, no alternative but to make a formal protest. ... I think it not impossible that the Argentine Government may take advantage of this opportunity to make a formal written proposal to Her Majesty's Government to agree to arbitration upon the rights of Sovereignty over the Falklands." [3793]

"It is important to note that Argentina had still not made a protest against the possession of the islands by Britain for 35 years since the previous Argentine protest in December 1849." [3794]

1885 – January 2nd, in Buenos Aires, Minister Ortiz responds to Britain's official protest note. [3795]

"The President of the Republic, has charged the Undersigned to reply thereto, expressing at the same time the wish which he entertains that an amicable solution may put an end to the pending question of the sovereignty of the Malvinas. Taken in its double aspect of form and substance, the protest is inconsequent with history, with right and with facts... it is destitute of motive since it does not refer to actual facts such as would be the open publication of the map; and the Govt., could in no case take it into consideration, since it treats of mere conjecture, and of newspaper reports, the correctness of which it is not the custom to notice officially, because the Govt., always reserve to themselves the faculty of authorizing or not publications of such a character even although they be, as in the present instance, paid for by the National Treasury.

On the other hand, and even supposing that the Map in question had been already published and contained the Islands alluded to as an integral part of the Arg. Rep: H.B.M. Govt., ought not to find in this any valid motive for protesting, seeing as this inclusion would not modify in any way the position in which the Malvinas have always been considered to be, the question concerning them, as H.E. has been so good as to state to me, being pending, and subject to the solution of the two Govts... [3796]

Now, as regards the substance of the Note, which is the unconditional affirmation that the group of the Falklands forms part of the dominion of H.B.M. the Undersigned must remind H.E. that the actual occupation of this Archipelago is not fortified by the possession of an indisputable title of dominion; that the Sovereignty over these Islands has been the object of ... discussions in the past and present century; the rights of Spain having been definitively assumed since 1774, in which year the British Establishment was removed from Port Egmont, until the year 1810; and from that date in the power of the emancipated Argentine Republic. The actual occupation by England dates from 1833, in which year the Great Malouine, or Island of Soledad, where there was a Garrison and Argentine Colony, was taken by violence. This aggressive occupation of a territory where no establishment of the British

3792 *FO 6/503 f.130*
3793 *Monson to Granville, December 31, 1884* in *FO 6/503/104*
3794 Pascoe 2022 vol.3 p.142
3795 A full account of these exchanges, in Spanish, can be found in *Memoria de Relaciones Exteriores Presentada al Honorable Congreso Nacional en 1888* Sept, 1888. See - https://www.cancilleria.gob.ar/userfiles/ut/memoriamrec_1888_optimizado.pdf
3796 Subsequently denied by Monson.

Crown had ever existed, was ... protested against by the Arg. Legation in London; and after a thorough discussion with H.M.B. Cabinet, the protest, founded on titles which in consequence of the emancipation had reverted to the Arg. Rep: remained on record (pendiente) just as did the refusal which had evoked it. Such is the present state of the Malvinas question ..." [3797]

Ortiz refers Monson to a *Memorandum* attached to his response.

"... as containing an abstract of the grounds upon which the Argentine Government claim the Sovereignty over the Islands; and requests me to forward it to Her Majesty's Government; expressing the hope that means may be found for settling the question in the way now adopted by civilized nations for the solution of similar difficulties." [3798]

"The memorandum which accompanied Dr. Ortiz' note was, Mr. Monson said, merely an abstract of a much larger one in which the Argentine Government adopted and made use of all the essential matter contained in the protest addressed to His Majesty's Government by Senor Moreno on the 17th June, 1833." [3799]

"... it was little more than an abstract from Louis Vernet's monumental work which he drew up in 1832, ... One of the principles laid down in this memorandum of 1885 was that of contiguity – the fact that the Falkland group lay off the southern region of the continent which had been discovered and colonized by the Spaniards."[3800]

"Ortiz ... even asserted that Monson had personally confirmed to him that the matter was still pending – that was absolutely untrue,.." [3801]

January 7th, Foreign Minister Ortiz's response is received by the British Minister.

"(Ortiz's) personal opinion was that West Falkland Island was rightfully British territory, just as the Eastern Island had always been Spanish up to 1810, and thereafter Argentine. He took the view that an impartial arbitration would divide the archipelago between the two claimants. Dr. Ortiz hastened to point out, however, that this personal opinion must not be regarded as in any way compromising his Government." [3802]

January 8th, Minister Monson answers Ortiz.

"I replied to this Note the next day; as follows: I maintain that whatever might be the character of the New Map within the jurisdiction of the Republic, its origin is sufficient to warrant a Foreign Power in regarding it as official, and in making the Argentine Government responsible for any offence it might contain against the sovereign rights of such Power. I repudiate the idea that the question of sovereignty is a "pending question" and I rectify His Excellency's assertion that I had made an admission as such. I decline to acquiesce in the correctness of his version of the histories of the discussions over the Sovereignty, and of the facts of the British reoccupation. I remind him that he has ignored the British Protest of November 19th 1829, and I state that what he calls "an aggressive occupation" was the logical and justifiable consequence of that Protest... I reminded His Excellency that it is extremely probable that Her Majesty's Government may decline to enter into any discussion upon the subject of the Falkland Islands." [3803]

3797 *Ortiz a Monson, 2 de enero de 1885* enclosed with *Monson to Granville January 17, 1885* in *FO 6/503*
3798 *Monson to Granville January 17, 1885* in *FO 6/503/144-5*
3799 Field 1928 para.163
3800 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
3801 Pascoe 2020 p.247
3802 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
3803 *Monson to Granville January 17, 1885* in *FO 6/503/143-151.* Also Bernhardt 1911 and *Tempest in a Teapot: The Falkland Islands War* R. Reginald & Jeffrey M. Elliot 2009

"In view of the fact that Great Britain had been in possession of the Falkland Islands for upwards of half-a-century, and that Her Majesty's Government had already replied to similar Argentine protests against the British right of sovereignty, "it was considered that that Government should not be allowed to imagine that Her Majesty's Government might be induced to reopen the question of the right of Great Britain to that important colonial possession."..." [3804]

"Monson at once refuted Argentina's new position. On 8 January 1885 he wrote to Ortiz, stating that the Argentine government could not disclaim responsibility for a map which affected the sovereign rights of a foreign power. He added that Britain had always maintained that the question of sovereignty over the Falkland Islands had been definitively solved by Lord Palmerston's letters to Moreno on 8 January 1834, 15 February 1842, and 8 August 1849, all of which stated the government's refusal to admit any questioning of Britain's rights to the islands. Secondly, Monson complained that Ortiz had gone much further than he himself had ever done, in asserting that the question of sovereignty was still pending and subject to solution by the two governments." [3805]

January 9th, from Buenos Aires, following a further conversation with Argentina's Under-Secretary of State for Foreign Relations, Paliza, Britain's Minister Monson reports.

> *"He (Paliza) proceeded to say that speaking for himself, and giving his own personal opinion, which however was not to be used against his Government, he was inclined to believe that the island of West Falkland, in which Port Egmont was situated, was rightfully British Territory. The Eastern Island he thought, had always been Spanish up to 1810 and therefore was now Argentine."* [3806]

January 13th, Ortiz writes to Monson; *"... maintaining that his statement that the matter was still pending had been taken from the correspondence of 1849, and that Monson had misunderstood Lord Palmerston's reply of 8 August 1849."* [3807]

That same day, Minister Monson responds to "*clear up*" the question of whether or not the issue of the Falklands is still '*pending*.'

> *"I ... quoted the last paragraph of the Note addressed by Lord Aberdeen to Senor Moreno on the 5th March, 1842 in which His Lordship states that Her Majesty's Government consider this previously expressed determination as final."* [3808]

"Monson replied to Ortiz... that he could find nothing in the correspondence indicating that he himself, or Her Majesty's Government, considered the question of sovereignty over the Falkland Islands as pending. He quoted Lord Aberdeen's letter of 5 March 1842, saying that Her Majesty's Government considered final the declaration he had made to Moreno on 15 February regarding the government's refusal to permit any violation of the rights of Great Britain to the islands. And Palmerston's reply of August 1849, that he considered the question to stand exactly as Moreno described in his letter, only accepts that the government regarded the matter as closed. Monson said he failed to understand how the Argentine government could assume that he himself, or the British government, regarded the question as pending." [3809]

3804 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
3805 Pascoe 2020 p.248
3806 *Monson to Granville January 17, 1885* in *FO 6/503/164*
3807 Pascoe 2020 p.248. As the Argentine Government had misunderstood Palmerston's response in 1849, it is little wonder that they still misinterpreted Palmerston's words in 1885. *cf.* 1849
3808 *Monson to Granville January 17, 1885* in *FO 6/503* at *150-151.* Original emphasis.
3809 Pascoe 2020 p.248

January 17th, Monson informs London of the most recent exchanges; referring Granville to an attachment.

> *"The Memorandum... has been I imagine for some time in one of the pigeon holes of the Foreign Department. At least the existence of such a Memorandum has been hinted at in recent years on more than one occasion by the Buenos Ayres Press. It purports to give a sketch of the history of the Islands; and of their occupation by Great Britain, with all the arguments against British Title. As far as I am capable of judging it would not be difficult to find a great many flaws in this exposition; but it was not for me to enter into any controversial correspondence with Dr. Ortiz upon the subject of the Falklands.*
>
> *Your Lordship has stated to me distinctly that Her Majesty's Government see no good in reopening the question of Sovereignty; and although I cannot decline to transmit the memorandum to Your Lordship it is clear that I should do very wrong if I allowed myself to be drawn into any discussion with Dr. Ortiz upon the merits of the Argentine claim. I consider that I have done all that I ought to do in vindicating my Protest;... it is true that the lodging of that Protest has given Dr. Ortiz the opening which he desired, for formally stating his case and suggesting arbitration..."* [3810]

Monson also explains that he has only forwarded the *Memorandum* in order to retain the goodwill of the "*touchy*" Argentine Government as he has many unresolved cases of British subjects held in Argentine jails. [3811]

> *"I really cannot make up my mind whether they have much hope that H.M. Govt., will listen to them upon this occasion; or whether they expect that there is any chance of their doing any good by reopening the claim. You will see that the Under-Secretary of State hinted to me that this Govt., might accept a compromise, by arranging a division of the Islands! but I cannot bring myself to believe that his superiors can dream that England would ever agree to such a proceeding. I am more inclined to fancy that they may entertain an idea that some money compensation may eventually be made to them..."* [3812]

At Port Stanley, Governor of the Santa Cruz Province, Carlos Maria Moyano, arrives intent upon persuading Islanders to transfer to Patagonia as few settlers from the north of Argentina are interested in colonising the barren areas of the south cone. Moyano purchases 600 sheep and convinces 15 shepherds, together with their families, to make the move. Moyano also meets his future wife, Ethel Turner. Governor Kerr reports to London; *"I am of the opinion that his visit was undertaken on his own responsibility and solely for the purpose which he intimated."* [3813]

"Moyano's business ventures were approved by decree by President Roca." [3814]

"Argentine governments were well aware that Britain was exercising sovereignty in the Falklands, and far from protesting against it, Argentina obtained settlers and sheep from the islands to populate and stock Patagonia. Argentina accepted that the Falklands were British." [3815]

3810 *Monson to Granville January 17, 1885* in *FO 6/503/146-148*

3811 *Ibid.* at *153* and *Monson to Granville (Private) January 17, 1885* in *FO 6/503/241.* The impression throughout this correspondence is that Minister Monson suspected that he had gone too far, both in lodging an official protest and in accepting the *memorandum* provided by Dr. Ortiz.

3812 *Monson to Granville (Private) January 17, 1885* in *FO 6/503/241.* Monson referred to a "*financial crisis*."

3813 For a biography, see - https://www.falklandsbiographies.org/biographies/moyano_carlos

3814 Bullrich 2000 p.152 citing decrees of May 28 and July 11, 1885

3815 Pascoe 2020 p.252

January 23rd, in Washington DC, Argentina's Minister Dominguez sends a note to the State Department. He reminds Secretary Frelinghuysen that he has still not received a reply to the note of September, 24, 1884 regarding the actions of the USS *Lexington* in 1831. [3816]

January 29th, in Buenos Aires, the debate between the British and Argentine ministries is leaked to the press.

> *"(The) Falkland Islands were used as a penal colony by the British until 1852."* [3817]
>
> *"Fresh are still the annual protests of Rosas and the statements that could not but tear (at) Lord Palmerston. On these antecedents the Argentine Republic can air unquestionably its right to the Malvinas islands."* [3818]

March 4th, in the United States of America, Stephen Grover Cleveland becomes the 22nd President. With a new administration, Argentina's Minister Dominguez resubmits Argentina's claim for compensation based upon the actions of the *USS Lexington* in December, 1831.

April 8th, from London, Lord Granville instructs Minister Monson in Buenos Aires not to respond to Dr. Ortiz's *Memorandum* – nor continue any further discussion on the issue of Falklands sovereignty; verbally or in writing.

"Monson said he failed to understand how the Argentine government could assume that he himself, or the British government, regarded the question as pending. That was confirmed by Lord Granville in a despatch to Monson of 8 April 1885 in which he said that the Argentine government should not be allowed to imagine that the British government might be induced to reopen the Falklands question; he therefore instructed Monson not to carry on any discussion with Argentina on the subject." [3819]

April 28th, in the Falkland Islands, *Perthshire*, loaded with salmon, sinks at Blind Islands.

April 29th, *Yarra Yarra*, a British barque, sinks at Beaver Cliffs with the loss of all hands. [3820]

May 4th, in Washington DC, upon the appointment of a new Secretary of State, Thomas Bayard, Argentina's Minister Dominguez writes again to the State Department; reminding them that he still awaits a response to his note of September 24, 1884. [3821]

"... Twice more, during the first four months of the first Cleveland administration, the Minister addressed formal statements to Secretary Thomas F. Bayard....." [3822]

May 5th, in Buenos Aires, in a short letter, Minister Monson assures Ortiz that Britain accepts that the map complained of is not '*official*.' [3823]

May 6th, Ortiz's response merely expresses his satisfaction. Argentina's Foreign Ministry then publishes all the correspondence between itself and Minister Monson; presenting the documents in a report to the Republic's National Congress.

3816 Fitte 1966 p.471

3817 *Buenos Aires Standard January 28, 1885* quoted in *Memorandum on the Falkland Islands* 1947 in *LCO 2/490.* The islands have never been used as a penal colony by Britain.

3818 Adolfo Saldias in *El Nacional* quoted in Rojas 1950 p.8. Any mention of the Falklands in Rosas's annual messages to Congress ceased after 1849. A speech to Congress is not a formal protest.

3819 Pascoe 2020. 248

3820 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

3821 Fitte 1966 p.472

3822 Peterson 1964. *cf.* 1884

3823 See August 22, 1885 below.

"Ortiz replied with a note on 6 May expressing pleasure that the British government had correctly deduced that Argentina disclaimed all responsibility for the map. So Argentina accepted that the proposed map did not officially indicate that Argentina regarded the Falklands as Argentine territory." [3824]

June 27th, in Washington DC, Minister Dominguez writes a further letter to the State Department complaining that nine months have now passed without any answer to his letter regarding the outstanding issue of the *Lexington's* raid on Vernet's Port Louis settlement in December, 1831. [3825]

In Buenos Aires, on the same day, a Government decree divides the territory of Tierra del Fuego into three departments – Ushuaia, Buen Suceso and San Sebastián. Buen Suceso is defined as including Staten Island. [3826]

July 20th, in Washington DC, US Secretary of State Thomas Bayard finally responds to Minister Dominguez. Bayard notes that the Argentine Legation's note of September 24, 1884 was received but was "*very unexpected, as it has been so many years since the discussion of the matter between this Government and the Argentine was suspended.*" [3827]

Referring to the last letter penned by Secretary Webster in 1841, Bayard makes observations:

> *"This note suggested the convenience of postponing further discussions until the dispute between the Argentine Government and that of Great Britain regarding the title to those Islands had been adjusted. General Alvear does not appear to have responded to this note. Meanwhile, it is well known that many years ago, since 1833, Great Britain has re-assumed the possession of these Islands, basing its claim to them on a title long before the independence of the Argentine Republic. The United States has also had a Consul on these Islands almost continuously since their occupation by the British. …*
>
> *These notes are particularly strong in regard to the abandonment of these Islands by Spain to Great Britain and the consequent extension of the pretension of that power to sovereignty.*
>
> *If, as it is believed, this extinction was complete, under such circumstances, the claim of Buenos Ayres, as successor of the Mother Country, had no basis on which to settle the important act of sovereignty of establishing a colony there and of appointing a governor. … An examination of the background to this case has resulted in the conviction that it is still inconvenient for both parties to resume their discussion, especially when the controversy between the British Government and the Argentine Government can be considered pending or resting (and may) not ever be revived."* [3828]

Bayard refers Dominguez to the letter from Lord Aberdeen to Manuel Moreno of December 29, 1841. [3829]

July 27th, Minister Dominguez replies to the US Secretary of State.

> *"In (the letter) I have shown that the Islands have always been in the power of Spain, during the short time that the English were in possession of one of them the century past, and after they retired until we declared ourselves independent, a fact that the Secretary of State seems to ignore; and that the*

3824 Pascoe 2020 p.248

3825 Fitte 1966 p.474

3826 No mention of the Falkland Islands. It would not be until 1904 that an administrative decree extended the jurisdiction of Staten Island to include "*the islands of the same name and all others that are in the Atlantic under the sovereignty of right of the Argentine Republic*."

3827 Fitte 1966 pp.475-476

3828 *Ibid.* p.476

3829 The reference was very specific to *British & Foreign State Papers*, vol.31 p.1005. A strange response, considering that what Lord Aberdeen said in 1841 was, after acknowledging Moreno's letter of December 18, 1841 – *"The Undersigned has the honour to acquaint M. Moreno that he has referred his note for the consideration of the proper Department of Her Majesty's Government."* cf. December, 1841

Argentine authority was the only one in the Malvinas, with the full knowledge of England, until the day the establishment there was assaulted by the American Corvette Lexington. ... in accordance with the instructions of Your Excellency I have proposed that the matter be decided by arbitration and that the arbitrator be the Chief Judge of the Supreme Court of Justice of the United States." [3830]

"Dominguez responded that Argentina was willing to arbitrate ... There was no rejoinder." [3831]

July 30th, Argentina's Legation in Washington inform Buenos Aires of Bayard's letter; *"... you will see that it is only a dilatory record preceded by a record of the record, as brief as it is incorrect."* [3832]

August 22nd, after returning to London, Minister Monson comments on events in Buenos Aires.

"... it now seems to me quite possible that the immediate cause of the renewed assertion of the claim may be found in the fact, which has come to my knowledge through an examination of Dr. Otiz' Report... at the beginning of last year, instructed their Minister at Washington to press upon the United States Government the claim of the Representatives of Mr. Louis Vernet and others for compensation for the damages inflicted upon the Argentine Settlement on Port Soledad by the United States Frigate "Lexington," under Captain Silas Duncan, in 1831.

As I have before had occasion to mention, the Argentine Government have always resented the action of the United States Government in all that concerns the occurrences of that period in the Falkland Islands; and, having determined to address a new complaint to Washington respecting this long standing grievance, they appear to have thought it a proper logical consequence that they should reassert, against the Crown of England, their pretensions to the Sovereignty of the Falklands." [3833]

Britain's subsidy of the Falklands mail service ceases; the last of the monies provided to the Islands by London.

"The islands had been a loss-making concern for Britain from 1834 onwards, but by the mid 1880s, after half a century of British rule, they began to pay their way." [3834]

September 4th, in the Falklands, *Luigraf*, with a cargo of marble statues, is wrecked on Ruggles Island.

December 8th, in the US, Argentina's demands regarding the actions of the USS *Lexington* are mentioned by US President Cleveland in his State of the Union Address.

"The Argentine Government has revived the long dormant question of the Falkland Islands by claiming from the United States indemnity for their loss, attributed to the action of the commander of the sloop of war Lexington in breaking up a piratical colony on those islands in 1831, and their subsequent occupation by Great Britain. In view of the ample justification for the act of the Lexington and the derelict condition of the islands before and after their alleged occupation by Argentine colonists, this Government considers the claim as wholly groundless."

".., President Cleveland in 1885, in a message to Congress, committed himself to the view that the Islands had been abandoned before and after the supposed occupation by the Argentine colonists, and that the Argentine claim had therefore no reasonable foundation." [3835]

3830 Quoted in Fitte 1966 p.477
3831 Peterson 1964
3832 Fitte 1966 p.477. Shortly thereafter, Dominguez left Washington to take up a post at Madrid.
3833 *Monson to Salisbury August 22, 1885* in *FO 6/503/326.* Monson had been replaced by Francis Pakenham. See February 10, 1886
3834 Pascoe 2022 vol.3 p.92
3835 Foreign Office *minute* by J. V. Perowne dated December 27, 1941 in *PRO FO 371/25979*

December 9th, in Washington DC, Argentina's newly arrived Minister, Vicente Quesada, writes to the US Government in response to the Presidential address. He complains that his country's claim cannot be called *"wholly groundless",* without first being adjudicated.

> *"The Argentine government, in use of its right, regulated the fisheries of the Patagonian coasts and adjacent islands, even of course, Malvinas. V. E. is aware of those laws and regulations, which were cited by one of the Argentine ministers, General Alvear. Consequently, my government has the right to enforce its laws and regulations, which were repeatedly violated by American vessels. The governor or military commander of the Falklands then resorted to enforcing their compliance. Those who violated him were subject to unavoidable responsibility, and were referred to the Buenos Aires prison judge. Such jurisdiction was not an act of piracy, and never deserved that qualification by the United States government, which did not deny de facto possession of the Malvinas (Isla) Soledad. ...*
>
> *What is important to recognize that it was not a piratical colony or that the situation of those islands was in derelict condition. Moreover, the Secretary of State himself declared: "You may be certain that the United States will never allow any European nation to take possession of an inch of land anywhere in America". So that Argentine law can not be mitigated, modified or unknown by the subsequent fact that Great Britain, by an act of heresy, has taken possession of those islands, because force is not right, nor does it destroy the previous fact of the offense to the Argentine pavilion.*
>
> *The terms of the President's message may seem to justify this abuse of force, and are opposed to the doctrine of Monroe, which forms the international creed of this great republic. ... This claim, Secretary of State, affects the most essential principles that constitute the Spanish American nationalities, which have been founded within the Spanish territorial demarcations, establishing as a conservative element uti possidetis of 1810."* [3836]

"Not aware that his conduct might be considered improper, upon the following day Vicente G. Quesada,.. addressed a note to Secretary Bayard in which he undertook to correct the President's statements and also to elaborate an argument to the effect that the action of Baylies in supporting the seizure of the Falkland Islands by England was "in flagrant opposition to the declarations of Monroe."..." [3837]

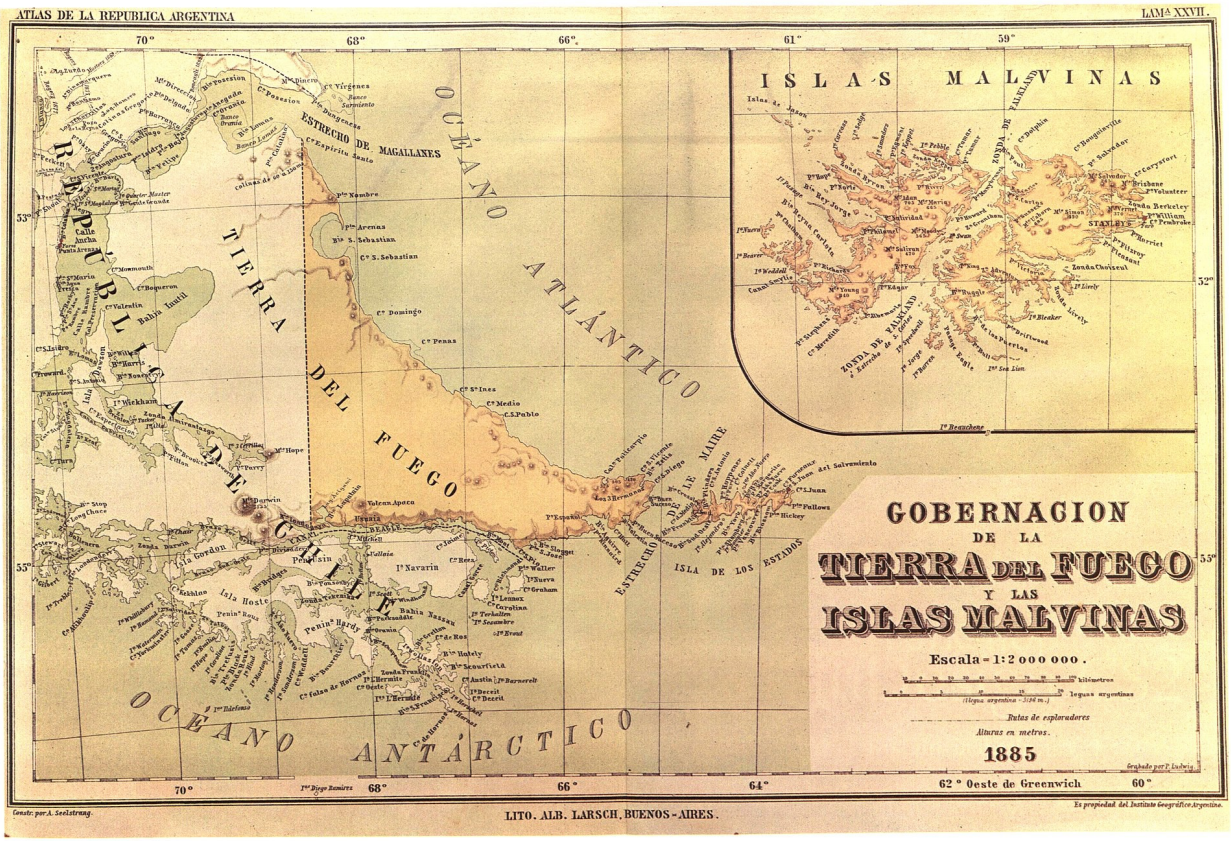
"... the State Department long ago expressed the view that the reinsertion of a British presence on the Islands in 1833 was not a new attempt at colonization, and that the Doctrine is thus inapplicable." [3838]

December 14th, Minister Quesada writes to Ortiz in Buenos Aires to say that, following the President's message, he does not believe that the US Government will agree to arbitration. [3839]

> *"My opinion is that the Government of the United States will not do justice. Moreover, I do not think they will answer Mr. Dominguez's note, nor mine, for it is accustomed to being autocratic in international relations. They do not observe the use of diplomacy, they (just) express their will because they are strong."*

At the end of the year, in Buenos Aires, the *Instituto Geográfico Militar de la República Argentina* finally publish the new map announced on December 8, 1884. A Boletin del Instituto Geografico Argentino, published on the direction of Argentina's President, also deals extensively with the claim to the Falkland Islands. [3840]

3836 Quesada 1904
3837 Robertson 1923
3838 *Prepared Statement of Thomas O. Enders, Assistant Secretary of State for Inter-American Affairs before the Sub-Committee on Inter-American Affairs August 5th, 1982*
3839 Fitte 1966 pp.484-485
3840 See - https://falklandstimeline.files.wordpress.com/2017/03/boletc3adninstitutogeograficoargentino1885.pdf



1886 – January 16th, Arthur Cecil Stuart Barkly is gazetted as Lieutenant-Governor in the Falkland Islands, while Governor Kerr is on sick-leave in the UK. [3841]

February 10th, in London, responding to instructions from the Foreign Ministry, Argentina's Minister, Dr. Garcia, presses for a response to the m*emorandum* attached by Dr. Ortiz to his January 2nd, 1885 letter.

"A despatch was therefore addressed to Her Majesty's Charge d'Affaires at Buenos Ayres, instructing him to remind the Argentine Minister for Foreign Affairs verbally of the notes to Senor Moreno of the 8th January, 1834, and the 15th February, 1843, and especially to Lord Aberdeen's note of the 5th March, 1842, in which he was informed that the discussion was closed so far as Her Majesty's Government were concerned; and to inform him that .... they could not consent to reopen the matter." [3842]

"Rosebery informed the new British ambassador in Buenos Aires, Francis Pakenham, that Britain regarded the matter as closed and would not consent to reopen it; Pakenham thereupon informed the Argentine foreign minister orally." [3843]

February 12th, in the Falkland Islands, Arthur Cecil Stuart Barkly arrives at Stanley on *Luxor*.

February 18th, from Buenos Aires, Foreign Minister Ortiz writes to Quesada in Washington.

3841 Barkly was appointed on half pay of £500 *per annum*. For a biography, see https://www.falklandsbiographies.org/biographies/barkly_arthur
3842 Bernhardt 1911
3843 Pascoe 2020 p.249

"Your Excellency has acted prudently in raising with energy the unspeakable words that the president applied to the Malvinas question, which amounts (to) a denial of justice and an absolute ignorance of our right, especially when it is a claim not yet debated. It is to be hoped, however, that Mr. Cleveland's well-known enlightenment and good sense must impose a different turn on this subject in the course of the negotiation, when a more detailed study shows its justice and foundation...." [3844]

March 18th, in the USA, Secretary Bayard writes to Argentina's Minister Quesada, responding to the Argentine Minister's complaints regarding the Presidential address of December, 1885.

"This Government is not a party to the controversy between the Argentine Republic and Great Britain; and it is for this reason that it has delayed, with the tacit consent of the former, a final answer to its demands. For it is conceived that the question of the liability of the United States to the Argentine Republic for the acts of Captain Duncan, in 1831, is so closely related to the question of sovereignty over the Falkland Islands, that the decision of the former would inevitably be interpreted as an expression of opinion on the merits of the latter. Such an expression it is the desire of this Government to avoid, ... [3845]

All agree that the territorial sovereignty of the Argentine government was derived from the crown of Spain, and it follows that the government of Buenos Aires, after having attained its independence, could not in law claim sovereignty as successor to His Catholic Majesty over any territory whose titles Spain recognized to belong to a foreign power. But it is a matter of uncontested history that the claim of Great Britain, of the sovereignty of the Falkland Islands, was categorically declared and sustained during the discussions with Spain in 1770 and 1771,.. [3846]

As the resumption of actual occupation of the Falkland Islands by Great Britain in 1833 took place under a claim of title which had been previously asserted and maintained by that Government, it is not seen that the Monroe doctrine, which has been invoked on the part of the Argentine Republic, has any application to the case. By the terms in which that principle of international conduct was announced, it was expressly excluded from retroactive operation. [3847]

If the circumstances had been different, and the acts of the British Government had been in violation of that doctrine, this Government could never regard its failure to assert it as creating any liability to another power for injuries it may have sustained in consequence of the omission. ... But it is believed that, even if it could be shown that the Argentine Republic possesses the rightful title to the sovereignty of the Falkland Islands, there would not be wanting ample grounds upon which the conduct of Captain Duncan in 1831 could be defended.... On the whole, it is not seen that the United States committed any invasion of the just rights of the Government of Buenos Ayres in putting an end in 1831 to Vernet's lawless aggressions upon the persons and property of our citizens." [3848]

"In sum, he argued that it had not been demonstrated that the United States was responsible for the events which had occurred in the Falkland Islands from 1831 to 1833. He declined to accept Dominguez's proposal to submit the matter to arbitration." [3849]

3844 Quoted in Fitte 1966 p.486
3845 Quoted in Moore 1906
3846 Quoted in Quesada 1904. Put another way, while Argentina gained its territorial sovereignty from Spain, it could not lay claim to a territory where Spain had previously recognised a foreign claimant. *cf.* 1770 & 1771
3847 My emphasis
3848 Quoted in Moore 1906
3849 Robertson 1923 p.174

"The Monroe Doctrine was cited in 1886 by the Argentine Minister in Washington as applicable to the de facto British possession of the Falkland Islands. But the United States Government had, neither at that time nor since, considered the British assertion of rights of sovereignty over the Falkland Islands, as affording any ground for the application of the Monroe Doctrine." [3850]

"Bayard's reaction echoed Frelinghuysen and re-echoed Webster. Admission of the claim for reparation would be tacit recognition of Argentina's sovereignty over the islands; and sovereignty was a question for Great Britain and Argentina to resolve. ... Moreover, this was not a case in point for an application of the Monroe Doctrine, because that principle pretended no retroactive features." [3851]

March 20th, from Washington DC, Minister Quesada forwards Bayard's message to Foreign Minister Ortiz in Buenos Aires. [3852]

On the same day, from Port Stanley, Lt.-Governor Barkly reports to London.

> *"The year 1885 is memorable in the history of the Colony as being the first in which no pecuniary aid has been received from the Imperial Government..."* [3853]

May 6th, from Buenos Aires, Ortiz responds to Quesada in Washington. [3854]

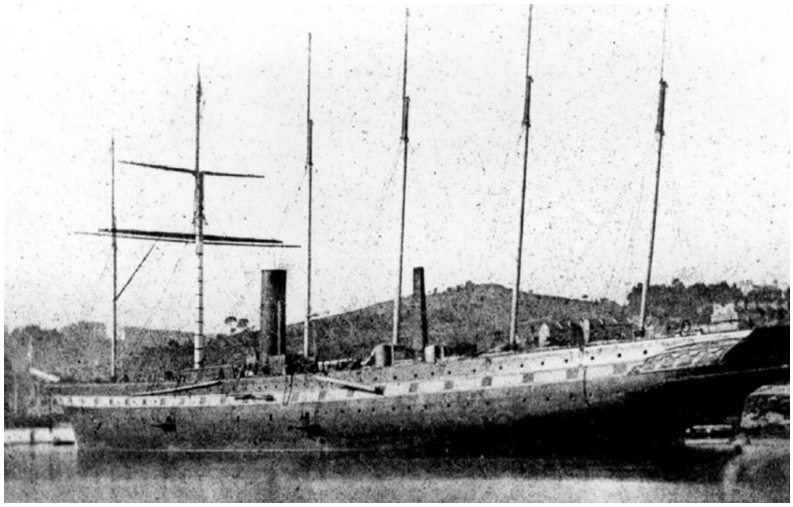
> *"I see from this answer the various arguments by which the Secretary of State has believed it reasonable to decline the proposals made by the Argentine Government with the purpose of submitting the matter in question to an arbitral award, deciding for an indefinite postponement whose term would only end in the case that Great Britain recognized the Argentine Republic in their rights of sovereignty to the Falkland Islands. Finding ... that all the reasons adduced by Mr. Minister Bayard suffer from inconsistency and many of them of inapplicability to the question that is discussed, in order to enable Your Excellency to give the corresponding answer, I will enter (into an) examination of your main arguments, highlighting, with great clarity, the facts from which our titles derive for the aforementioned islands and especially the Great Malvina or island of Soledad, which is the place where Captain Silas Duncan committed acts of piracy..."*

Ortiz then provides a detailed account of Argentina's view of the history of the islands from 1764. [3855]

> *"All these observations, and the others flowing from the point of view in which I have raised the question, Your Excellency will express with his asserted intelligence in the reply to Mr. Bayard, concluding by asking that (that) Government, .., to take them into consideration...*
>
> *The controversy over the rights is by itself a sufficient cause for arbitration, and .., the appointment of a third party becomes more necessary after the facts had been established with the strictest fidelity. Finishing, Your Excellency is sufficiently instructed..."* [3856]

3850 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
3851 Peterson 1964
3852 Fitte 1966 p.492. Mentioned in Ortiz's response.
3853 *Reports on Blue Books, 1883, 1884, and 1885* London 1886, p.200
3854 Fitte 1966 pp.492-496
3855 Taken mainly from Manuel Moreno's protests to the British in 1833 and 1834. See - https://falklandstimeline.wordpress.com/wp-content/uploads/2012/02/ambassador-morenos-published-protest-1833.pdf
3856 All in Fitte 1966. Quesada took his time in answering Bayard's letter. *cf.* May, 1887

May 25th, at Port Stanley, en-route to Australia with emigrants, *SS Great Britain* puts in for repairs. These being found to be uneconomical, she is sold as a hulk to the Falkland Islands Company for the storage of wool, grain and coal. [3857]



June 2nd, Stanley town suffers another peat slip, which destroys St. Thomas's Church and the school. [3858]

> *"From Port Stanley, June 3rd, 1886: … About 9pm another peat slip took place similar to that of 1878 but more disastrous in its results. It started from the top of the hill, and descended with immense force to the harbour, and moved one house several yards and nearly overturned it, smashing all fences and walls that stood in its path, carried all outbuildings down to the water, and found its way into the back premises of many buildings. The Church is half buried, and the back wall cracked and bulged in, so as to be unsafe. A lad named Ratcliffe in trying to escape when the first rush came, was caught in some wire fencing, and although several people had hold of him, and nearly lost their lives in trying to rescue him, was horribly smothered, and his body only recovered after daybreak this morning. There is a report that a man is missing, supposed to be dead in a house that is nearly buried, and a search is being made for him…"* [3859]

"… a regular river of half-liquid peat flowed down the mountain, and ran across the very middle of the town into the sea. It has blocked up several streets, touched a house or two … and killed two people." [3860]

Bishop Waite Hockin Stirling launches an appeal for the construction of a cathedral for Stanley. [3861]

July, at the Port of London, a cargo of Falklands mutton arrives; selling for 5d a pound. [3862]

The Falkland Islands Meat Company contracts to deliver 60,000 sheep carcasses a month to Australia. [3863]

August 6th, from Buenos Aires, Minister Pakenham reports to London that he has complied with his instructions and informed the Foreign Ministry verbally that Her Majesty's Government would not consent to reopen the matter of Falkland islands sovereignty.

September 7th, in Tierra del Fuego, an expedition led by Julius Popper, finds gold dust on San Sebastián Bay's beach. The expedition is attacked by 80 Selk'nam tribemen; 78 of who are killed by the new Winchester rifle.

September 28th, in the Falklands, *Sidney Dacres* sinks at Billy Rock.

3857 Designed by Isambard Kingdom Brunel and launched in 1843, the SS *Great Britain* remained in Stanley harbour until 1937 when she was towed out and beached in Sparrow Cove. Recovered in 1970 and returned to Bristol, England.

3858 See November, 1878

3859 *Frederick E. Cobb to the Falkland Islands Company, London, June 3, 1886* in Pascoe 2022 vol.3 p.154. Ratcliffe was, apparently, just 7 years old.

3860 This from Governor Barkly in a letter to his father.

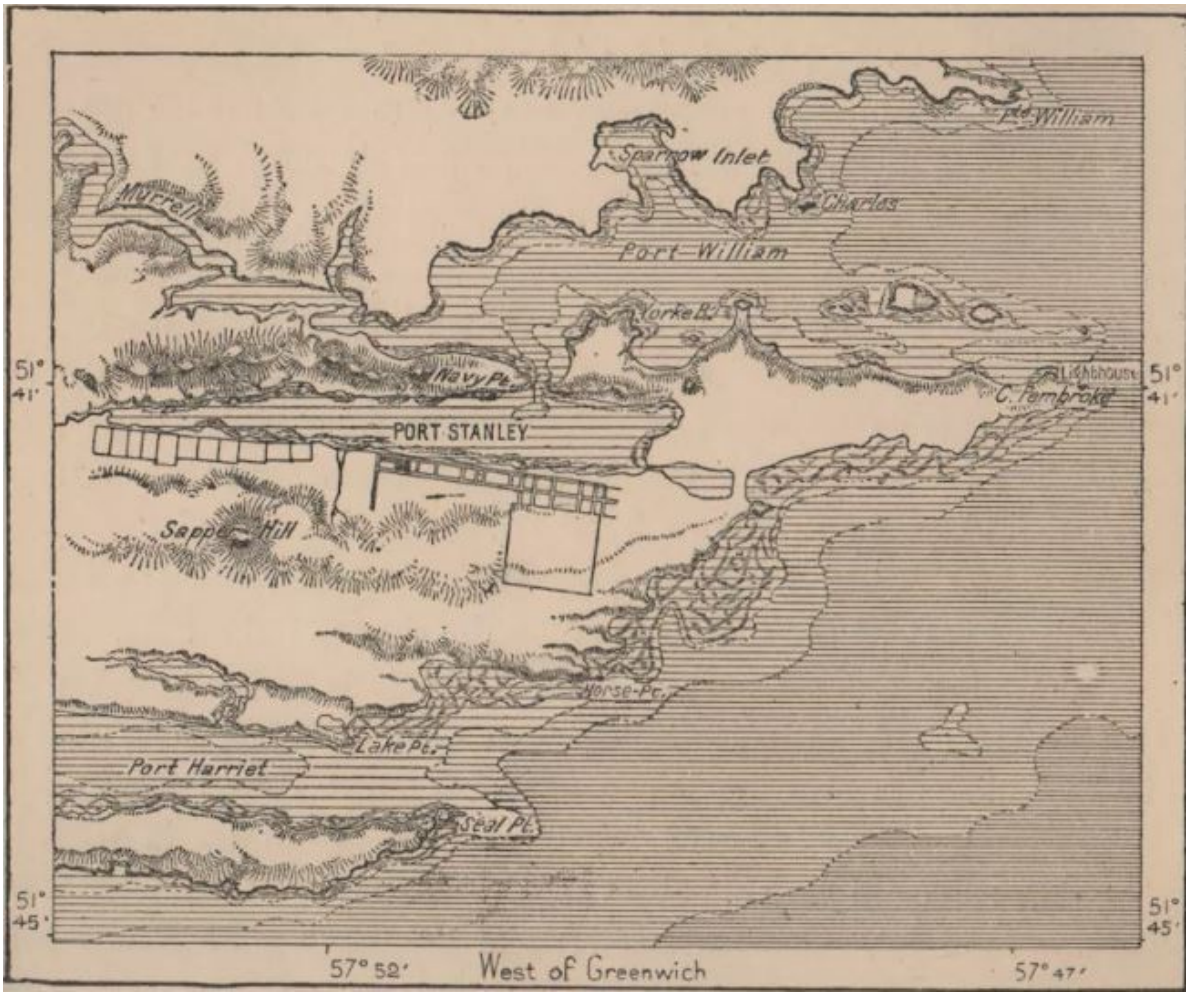
3861 See 1890

3862 *Australian Town and Country Journal* July 24, 1886

3863 *The Queenslander* September 18, 1886. This journal estimated there to be 600,000 mature sheep in the Islands.

October 12th, in Buenos Aires, Dr. Ortiz is replaced as Foreign Minister by Quierno Costa.

December 17th, following the return of Governor Kerr, Lt.- Governor Barkly leaves Port Stanley on HMS *Ruby*.



1887 – January 20th, at Stanley, '*An Ordinance to enable aliens to hold and dispose of land in the Falkland Islands*' is passed,

March 11th, from Buenos Aires, ignoring Minister Packenham's verbal message of August – or being unaware of it – Argentina's new Foreign Minister instructs Minister Luis Dominguez, in London, to remind the British that the *memorandum* of January 2nd, 1885 remains unanswered. [3864]

May 4th, in Washington DC, Vicente Quesada submits to Secretary Bayard a lengthy note on the subject of the Falklands Islands; *"... after securing the approval of the Argentine secretary of foreign relations."* [3865]

> *"(His Excellency) ... declines, for the time being, the proposal to submit this question to arbitration, on the following ground:*

3864 The date these instructions arrived in London is unclear, but Minister Dominguez was, without doubt, slow to react. See November 1887, below.

3865 Robertson 1923 p.174. Quesada was apparently very proud of this Herculean effort; and equally as disappointed when there was no reply. History repeating itself? See 1832 when Luis Vernet prepared a very lengthy report arguing the Confederation's case only to see it returned by the US envoy, unopened.

"(That) the question of the responsibility of the United States to the Argentine Republic for the acts of captain Duncan of 1831, is so intimately related to sovereignty over the Falkland Islands that (the USA) would inevitably come to be interpreted as an expression of opinion about the legality of the latter. ..."

It is, however, absolutely indispensable to enter into an exhibition of these titles, because the possession in which the Argentine government had of that island, entitles it not to be deprived by force, its population destroyed and prisoners made of its dwellers, in the midst of the deepest peace. The title of bona fide occupier, continued possession by official and public acts, imposes on other nations the duty to respect that possession, and inhibits them from resorting to acts of hostility, ...

The fact of the offense was that (Argentina) de facto possessed the island, by virtue of titles as serious as the cession by purchase, by the French, the first settlers (Soledad). ... the possession of the Eastern Malvina or Solitude, was never disputed by Great Britain until the unsubstantiated protest of Sir W. Parish in 1829.[3866]

Protest is not a means of acquiring dominion, and therefore such protest did not weaken the title of first occupant on which the possession was founded that the Argentine government, as successor of the Spain, had of the Eastern Malvina in 1831. ...

Before 1829, Great Britain did not claim right on the island (of) Soledad de Malvinas, owned by the French in 1764 and from then until 1810 by the crown of Spain. The first time he made official pretensions about it was in the protest of 1829, so that the violent occupation of it in 1833 is in clear violation of the Monroe Doctrine. ...

The undersigned hopes to set forth the facts from the inauguration of the Malvinas Solitude in 1820, to the assault by Captain Duncan in 1831, with sufficient clarity to expect that, Your Excellency in view of this demonstration, (will) persuade himself of the injustice of sustaining an indefinite postponement of the question, ... The honor, justice, and aspiration of the American people and Government have to set an example of impartiality and prudence in international relations with the republics of the continent: everything proves that, having proved the facts, proved the right and justified the foundations then the United States Government must accept the proposed arbitration to end a debate so long postponed." [3867]

"England in 1833 took forcible possession of the Falkland Islands on the basis of her former ownership of these lands and proceeded to establish a colonial government there. The Argentine Republic, .., endeavoured to interest the United States government in the controversy, urging that the principle of the Monroe doctrine was at stake. In this connection it was maintained that the question of the sovereignty of the two islands, East Falkland, the home of Port Soledad (formerly Port Louis), and West Falkland of which Port Egmont was the chief settlement, should be kept wholly distinct; that, whatever the British claims might be to West Falkland (these too were disputed), England, previous to 1829, had never made any protest whatever to the exercise of Spanish sovereignty in East Falkland. In (Quesada's) letter it is stated that "la posesión de la Maluina del este o Soledad, no fue jamas disputada por la Gran Bretania, hasta la infundada protesta de Sir W. Parish en 1829". ... this is a mistaken view. On the only four occasions on which the representatives of the rival powers met previously to the seizure of Port Egmont by the Spaniards in June, 1770, e.g. McBride's visit to the French settlement in Dec., 1766, Hunt's two encounters with the Spanish vessel from Port Soledad in Nov. and Dec.,

3866 Worthy of note that, in 1829, Buenos Aires had accepted Britain's protest without comment or argument.

3867 In full *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278.* Also Fitte 1966 pp.497-540. See https://falklandstimeline.files.wordpress.com/2018/01/quesada-to-bayard-may-4-1887.pdf

1769, and the visit of Don Fernando de Rubalcava to Port Egmont in Feb., 1770, the English office in charge of Port Egmont protested against the presence of the Spaniards and declared the Islands to be British possessions." [3868]

"In his note that minister presented a strong case in favor of undisputed Spanish jurisdiction over the eastern Falkland Islands, including Soledad, after the French evacuation in 1764 (sic). He declared that the revolutionary government of Buenos Aires took possession in 1820, transmitting documents to prove Argentina's jurisdiction before 1830 and excerpts from the juridical proceedings against Harriet. In his brief Quesada argued that the forcible occupation by England of Soledad in the Falkland Islands was in violation of the Doctrine of Monroe; for by that occupation England took possession of this island for the first time." [3869]

The US Government does not reply.

"The Ambassador could not be more disillusioned. In his memoirs he said about the United States government that: "Autocratically used to doing so in international relations, they do not observe the use of diplomacy, and they express their will because they are strong". ... The United States did not recognise Argentine sovereignty in the Falkland Islands. 55 years after the aggression of Captain Duncan, it was considered as an action "against pirates" and therefore (they) found no reason to even apologize." [3870]

May 11th, in Buenos Aires, the Foreign Ministry inform the Argentine Congress that no answer has been received from Great Britain regarding the *memorandum* presented on January 2, 1885.

June 27th, in the Falklands, the British barque, *Star of Scotia* is wrecked at Bull Point. [3871]

July 30th, in Buenos Aires, Minister Pakenham receives a copy of the January, 1885, '*Memoria*' with a note stating that it remains unanswered. [3872]

At Stanley, Captain R.D. Inglis RN (retired) applies for a sheep farming lease on South Georgia. [3873]

In **August**, a Falkland Islander, James Smith, forms the Falkland Islands Reform Club. One of the Club's primary objectives is a seat on the Legislative Assembly for one of the "*working classes*". Governor Kerr is unimpressed; *"... a mischievous agitator, who has obtained an ascendancy amongst some of his fellow carpenters and a few of the labourers in Stanley by persuading them that they have grievances which might be redressed by a combination for that purpose. The well-disposed and peaceable inhabitants of the settlement look upon the movement with distrust and dislike."* [3874]

"... the Falkland Islands reform Club, founded in 1887, objected to the lack of advancement in labor conditions, which seemed disproportionate to the rising profits of the wool industry." [3875]

September 16th, in England, the *British Settlements Act 1887* is promulgated. [3876]

3868 *Anglo-Spanish Relations in America in the Closing Years of the Colonial Era* V. L. Brown 1922 p.405 citing *Vicente E. Quesada, Argentine minister, to Thomas F. Bayard, United States Secretary of State, Washington, 4 May, 1887 (Vicente E. Quesada, Recuerdos de mi vida diplorndtica, Buenos Aires, 1904, p. 226)*

3869 Robertson 1923 p.174. See 1831

3870 Reid 2014

3871 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.* En-route to Ireland, seven lives were lost.

3872 Field 1928 para.167. Presumably, from the Argentine Foreign Ministry.

3873 Headland 1992. When informed that the island was invariably covered in snow, the application was not pursued.

3874 See - https://www.falklandsbiographies.org/biographies/smith_james

3875 Blair 2023

3876 *1887 Chapter 54 50 & 51 Vict.* As amended 1945

"Whereas divers of Her Majesty's subjects have resorted to and settled in, and may hereafter resort to and settle in, divers places where there is no civilised government, and such settlements have become or may hereafter become possessions of Her Majesty, and it is expedient to extend the power of Her Majesty to provide for the government of such settlements, and for that purpose to repeal and re-enact with amendments the existing Acts enabling Her Majesty to provide for such government: ...

1. It shall be lawful for Her Majesty the Queen in Council from time to time to establish all such laws and institutions, and constitute such courts and officers, and make such provisions and regulations for the proceedings in the said courts and for the administration of justice, as may appear to Her Majesty in Council to be necessary for the peace, order, and good government of Her Majesty's subjects and others within any British settlement. ..."

September 29th, in Buenos Aires, the Chamber of Deputies reconsider the compensation claim submitted by the Vernet family in 1778; rejected in 1779 and rejected again in 1882 by the Senate. Unable to reach a conclusion, the debate is adjourned in order that the Foreign Minister can be summoned. [3877]

September 30th, Argentina's Chamber of Deputies reconvenes. Foreign Minister Norberto Quirno Costa takes the floor.

"I have no objection to giving the chamber the explanations it asks ... The question of the Falklands can be considered in two respects: that which refers to the claim against the government of the United States for the outrage committed on those islands in 1831 on the occasion of the destruction of the colony founded by Mr. Vernet; and that which refers to the sovereignty and jurisdiction of these islands. The government of Buenos Aires, in charge of foreign relations in 1828 (sic), granted Mr. Vernet the Falkland Islands with all their adjacencies; even the island of Estados, which is at a distance, I think, from sixty or seventy leagues west of them. ... Mr. Vernet established a colony there; and after having introduced strong capital, later, in 1829, the same government appointed him political and military commander of those islands, ordering him to enforce the rights of sovereignty that corresponded to the Argentine government, by virtue of the rights acquired by the revolution of 1810. Mr. Vernet, on the orders of his government, notified several vessels of various nationalities that it was forbidden to fish for amphibians at the various points adjacent to these islands, provided it was within ten leagues of the sea. In view of this notification, several vessels withdrew; but after a year or a year and a half, some North American ships returned, and in spite of the strict orders and notifications made by Commander Vernet, they insisted on their fishing.

Then the political chief seized the ships and sent them to Buenos Aires, ... Pending the question of seizure before the court I mentioned, an American ship, the "Lexington", sailed from the port of Buenos Aires and seized all the settlers of the Malvinas, completely destroyed the colony, which was abandoned. This is the origin of the claim made before the United States, on the double basis of the damages caused to the settlers and of the injury inflicted upon national sovereignty. [3878]

The Argentine government has not neglected this claim; on the contrary, it has tried to finish it in different occasions. General Alvear, the Argentine minister in the United States in 1839, received special instructions to follow the steps and request the appropriate reparation. Later, in 1866, the then Argentine minister in that country, Mr. Sarmiento, also dealt with the matter. And lately, in the past

3877 The circumstances surrounding the claim's re-submission are not apparent.

3878 Not true. *Lexington*'s commander took away most, but not all, of the settlers at Port Louis. The guns were spiked and the powder burned, but there was no destruction of property.

administration, strict instructions were given to the Argentine legation in Washington to pursue the claim.

The current administration, on the other hand, has done the same and the matter is currently under discussion, having changed several notes between the Washington Foreign Ministry and the Argentine legation accredited there. Consequently, in view of this explanation, I do not believe, under any circumstances, that Mr. Vernet's claim could undermine in any way the dispute with the United States. Regarding the island of Estados, since the concession granted to Mr. Vernet comprised not only the eastern Malvina island, but also that of the Estados, it was a single concession. As I was saying, Mr. Vernet's claim can not harm us in the management of the United States Government. Far from that, it is further proof that the Congress recognizes the right with which the government of the province of Buenos Aires proceeded by making these temporary concessions to strengthen their sovereignty and their rights over the islands of the southern region.

Regarding the question of sovereignty, it is also pending, and has been charged with activating our Argentine legation in London. Mr Domínguez has in recent days passed a note to the Ministry saying that he expects the English Cabinet to relieve itself of some urgent matters, such as the Irish questions, in order to return to this business and demand the reply of the memorandum which was passed on the occasion of a claim made by the English legation in Buenos Aires, concerning a map published by the Geographical Institute. Thus, both the question of compensation in the United States and the question of sovereignty over the Falkland Islands are in the hands of the respective governments." [3879]

The Chamber of Deputies decide to consider the cases of East Falkland Island and the Isla de los Estados (Statenland) as separate issues; concluding that Vernet's heirs are deserving of compensation only for the loss of the latter. [3880]

However, before the session ends, Deputy Calvo raises the issue of the historical right of the Province of Buenos Aires to act for the Republic in its foreign affairs – a subject of debate by the Senate in 1882. [3881]

"The Province of Buenos Aires, at that time, was the de facto representative of the nation, and each of its acts correspond, in its responsibilities as in its profits, to the nation, - the nation, which began in the year 1810, and who had up to five governors in a day, who had the triumvirate, the supreme directors, the unitary constitutions, the governors of Buenos Aires in charge of the external relations, the governors of Cordova declaring a republic to the province of his command and refusing to recognize them Treaties made by the national government; that had in the province of Tucuman a governor: that was called supreme president of the federal republic of Tucuman, and maintained wars with Salta and the neighboring provinces: almost all government of fact.

All this is historical and forms a series of positive facts produced by de facto governments; and if we gave the stranger the right to examine, in theory, such and such a government could do such and such, then we would completely destroy all our history, all our previous rights. There is no country of the earth that has not gone through the vicissitudes of these events, under the monarchy, under the republic or under anarchy. But for any international event, for any point of international law, the country is represented by the de facto government that commands the country. And if we begin to doubt what the

3879 *Diario de Sesiones de la Cámara de Diputados 1887* pp.29-36. Britain considered the matter as settled.
3880 Compensation for Statenland was approved by the Senate that same day and without a vote. *cf*. 1882 & 1888
3881 *Diario de Sesiones de la Cámara de Diputados 1887* pp.29-36. See - https://falklandstimeline.files.wordpress.com/2017/04/1887diputadosdiariodesesiones-1.pdf *cf.* 1882

government of Buenos Aires has done, the several times, (because it has not only happened in these times,...) several times, I say, that his provincial government has represented the nation in the exterior; if these acts were unknown, then we would destroy our rights in what interests us most. As would happen in the question of the Falklands: if we did not know the administrative act that the government of the province of Buenos Aires, as a de facto government of the Republic, executed at this time, we would destroy the whole claim, because we would destroy the fact of our own possession as a sovereign nation.

I wish, Mr. President, to simply establish this fact. This can not be argued in international law. The de facto governments that intervened between the declaration of 1810 and the constitution of 1853 were, for the former, those who had the representation of the country. It does not alter our rights, that there have been tyrants such as Rosas, that there have been personal caudillos, and supreme dictators such as Pueyrredon,...

We are a sovereign people and a compact nation, for the stranger, whatever our temporary internal regime. Having established these points, I do not want to divert the attention of the chamber. But I wanted to leave it firmly established that Buenos Aires did well for by doing so, it saved us the territory which, if Vernet had not occupied it, might have been lost forever, for it would have been considered res nullius." [3882]

October 10th, in Argentina, a law granting land to the heirs of Luis Vernet, in *lieu* of Statenland is promulgated.

"Art. 1° Given in property to the heirs of Luis Vernet, an area of twenty square leagues in the national territories of the Chaco, is granted as compensation for the Island of Estados."

The question of quite where, is passed back to the Government for its determination. [3883]

November 3rd, in London, Luis Dominguez writes yet again to Lord Salisbury reminding him that no response has been received to Dr. Ortiz's 1885 *memorandum*. [3884]

November 9th, in Buenos Aires, Britain's Minister Pakenham writes to Foreign Minister Quirno Costa to re-confirm that London considers the question of the Falkland Islands' sovereignty to be "*closed*."

"... Packenham, Minister of His Britannic Majesty, in a note of 9 November, 1887, explained that he had a commission from the Minister of Foreign Affairs of England, to tell the Argentine Government that the discussion in question had been closed in 1842, and that the current advisors of His Majesty fully adhered to the views expressed in the last articles of that year, addressed to the Argentine Representative in London, Don Manuel Moreno." [3885]

3882 Calvo's plaintive speech was just that – a speech. Not a decision. What had been decided by the Chamber in 1879 and the Senate of 1882 remained the official position; ie. that between 1821 and 1828 Buenos Aires had been acting as a provincial government and not on behalf of the national Government (had there actually been one). In the 1820s, Buenos Aires had been acting beyond its powers.

3883 The Chaco is a north-eastern region of Argentina bordering Paraguay. I am unable to confirm whether Vernet's heirs were ever actually offered land there, or whether they accepted any.

3884 In obedience to an instruction of March, 1887 from Buenos Aires. Quite why he had waited, is not clear. See August 1886 & March 1887

3885 *Memoria de Relaciones Exteriores Presentada al Honorable Congreso Nacional en 1888* Sept, 1888 pp.27-28. See - https://www.cancilleria.gob.ar/userfiles/ut/memoriamrec_1888_optimizado.pdf

November 14th, in London, Sir Thomas Lister, Undersecretary of State at the Foreign Office, responds to Argentina's Minister Dominguez to inform him that the British Government consider the matter of the Falkland Islands closed. Dominguez's attention is drawn to previous correspondence from 1834 and 1842.

November 18th, Minister Dominguez informs Buenos Aires of the official response regarding his enquiries.

Britain's Colonial Office Year Book specifies that South Georgia is one of the Falklands - '*Dependencies*.'

"*... numerous laws passed by the Falkland Islands Government during the period 1843 – July, 1908. were made for "the Falkland Islands and their Dependencies". The particular territories comprised in the "Dependencies of the Falkland Islands" were not named in the various Letters Patent,..*" [3886]

"In January 1890 the Admiralty Intelligence Department reported on the defence of the Falklands. It estimated that the value of British trade passing round Cape Horn (excluding the value of the ships) in 1887 totalled £30,269,000, ... The chief threat to the Falklands was seen as a raid by a single cruiser due to the distance from hostile powers and the Royal Navy's ability to intercept larger forces. A number of military experts assessed the extent of the defences required. A garrison of between 1,000 and 3,560 men with fortifications costing between £140,000 and £375,000 was recommended. The Admiralty favoured Captain Bowden-Smith's proposal to build a fort in Stanley harbour to defend a coal depot and ordinance stores, which could be enlarged if a naval refitting station were built. It should be able to accommodate 250 to 300 men in time of war armed with light artillery and machine-guns." [3887]

The statistical *Blue Book* for the Falkland Islands notes that there have been 61 births during the year (34 male, 27 female) and eleven marriages. Also 13 deaths among the population. [3888]

1888 – January 20th, in Buenos Aires, Argentina's Foreign Minister, Quirno Costa, replies to Packenham's letter of November 9th. [3889]

> *"I have hastened to inform His Excellency the President of the terms of your communication, who, surprised at the absolute manner in which the Marquis of Salisbury, Minister of Foreign Affairs, closes the discussion on a question of sovereignty, in which both parties invoke titles and rights. I am instructed to respond to Your Excellency in these terms..."* [3890]

Costa then lists; *"The facts established in this long controversy of rights, as recorded in authentic documents:"*

> *"1. that by the Treaty between Spain and England signed in London on 22nd January, 1771, by the Plenopotentiares (the) Prince of Masserano and the Count of Rochfort (sic), Spain consented to restore the English Colony of Port Egmont in its former state, reserving its rights to the sovereignty of the Malvinas Islands and continuing in its possession;* [3891]
>
> *2. that in 1774, when the English removed the Colony of Puerto Egmont without leaving a single inhabitant of their nationality on that island, the Spaniards who had purchased the French colony of the Island of Soledad, which is the largest of that archipelago, continued with the eminent domain of*

3886 *Agent for the Government of the UK to the Registrar of the International Court of Justice at the Hague, May, 1955*
3887 Ellerby 1990 p.52
3888 Published June, 1888. See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf
3889 *Memoria de Relaciones Exteriores Presentada al Honorable Congreso Nacional en 1888* Sept, 1888 pp.152-153.
3890 *Costa to Packenham January 20, 1888.*
3891 Not a treaty, and never formally ratified by Spain. What the 1771 Convention actually said was "... *the engagement of his said Catholic Majesty,.., cannot nor ought any wise to affect the* ***question*** *of the prior right of sovereignty of the Malouine islands, otherwise called Falkland Islands." cf.* 1770 to 1774

the entire group of islands until 1810, without any protests or claims for greater right being made by the British Government; [3892]

3. that by Article IV of the Treaty of 1790, His Britannic Majesty was obliged to use all the most efficient means so that the navigation and fishing of His subjects in the seas of the South did not serve as a pretext for illicit practices, the Spanish Government expressly stipulating that British subjects should not navigate or fish in the said seas within the distance of 10 marine leagues from any part of the coast already occupied by Spain; importantly acknowledging the right with which that Crown occupied the Malvinas Islands at that date; [3893]

4. that, with the Spanish Government withdrawn, national sovereignty was resumed by the Argentine Government, the authorities of Buenos Aires attended to the administrative organisation of the territories and islands that form an integral part of the United Provinces, establishing the military Government of the Malvinas Archipelago by decree of June 10, 1829, and establishing, with authorization from the Argentine Government, an agricultural and pastoral colony with private capital;[3894]

5. that in 1833, the Argentine Colony planted on the vast island of Soledad was attacked by Captain Onslow in command of the ship "Clio", of the navy of HMB, violently seizing that territory where the flag of his nation had never flown; [3895] *and*

6. that the Argentine Government, through their Representative in London, Señor Moreno,[3896] *raised a well founded protest against this unspeakable act, executed in a time of peace and against the legitimate right of the Argentine Republic to the sovereignty of the Falkland Islands."* [3897]

Argentina's Foreign Minister concludes:

"The Argentine government maintains its protest regarding the illegitimate occupation of the Falkland Islands; it does not and will never abandon its rights over those territories and until justice is done, it will consider them as an integral part of the Argentine domains, based on priority of the occupation, the possession initiated and exercised, the tacit and explicit recognition and in the acquisition by treaty of the titles that belonged to Spain." [3898]

3892 A number of problems with this. Firstly, the buildings of Fort George and Jasons Town were not left empty; being almost immediately occupied by British whalers. Secondly, after 1771, Spain never again raised its flag over the western islands. Finally, in 1774, Britain's claim of right had been left nailed to the door of Fort George under two Union flags; remaining there until stolen by a Spanish captain in 1776. See *Falklands Wars* vol.1

3893 The Nootka Sound accord of 1790, was written in French. In both the French original, and the British translation the term 'South Seas' is used. Only in the Spanish translation did that become 'seas of the South'. The South Seas were the southern Pacific Ocean and art. 4 of the 1790 accord was only applicable to the western coasts of South America. Much argued, the Nootka accord did not include any reference to the Falkland Islands. I use the term 'accord' rather than 'treaty' because, once again, there is no evidence that the agreement was ever ratified by Spain. *cf*. 1790

3894 Spain withdrew its garrison in 1811, and in doing so claimed only the Island of Soledad. There is no evidence of any '*administrative organisation*' from Buenos Aires before 1829. Presumably, the '*private capital*' is a reference to Luis Vernet who consistently failed to get the Argentine government to pay for anything. *cf*. 1811 and 1829 to 1833

3895 Not true. An armed, and mutinous, garrison sent by Buenos Aires to exert control over the islands in the wake of the 1831/32 '*Lexington Raid*' had been ejected peacefully by the Royal Navy. Genuine settlers remained. *cf*. 1833

3896 Minister Moreno protested in 1833, 1834, 1842 and 1849. All rejected by the British Government.

3897 See also Bernhardt 1911

3898 *Memoria de Relaciones Exteriores 1888* pp.152-158. It is noteworthy that this was the first formal Argentine protest in 38 years (see 1849)

"In the 90 years between 1850 and 1940 Argentina only made one formal diplomatic protest over the sovereignty of the Falkland Islands: that made by the Argentine Foreign Minister, Norberto Quirno Costa, in 1888." [3899]

"Quirno Costa asserted ... that the matter had not been closed in 1842 but merely interrupted, and that once it had been raised in 1849, Lord Palmerston had solemnly declared that the matter remained in the situation indicated by the Argentine representative, ... But just like Francisco Ortiz, Quirno Costa had interpreted Palmerston's reply of 8 August 1849 incorrectly. ... Perhaps Palmerston's reply was too subtle, or too arrogant, or too slapdash; at all events it was misunderstood by the Argentinians, and the misunderstanding continues to this day, as shown by various Argentine authors..." [3900]

"On January 20, 1888, Argentina made its first protest in 38 years. ... On April 13, 1888, Sir Jenner, representative of the British Government, responded that "Her Majesty's Government declined to enter into any discussion of the right of Her Majesty to the Falkland Islands which, in their judgment, was not open to doubt or question". The next Argentine protest was only made in 1946, at the United Nations." [3901]

On the same day, at Stanley, an *Ordinance to establish a Government Savings Bank* is passed.

January 25th, Minister Packenham merely acknowledges receipt of Minister Costa's letter.

April 13th, in Buenos Aires, Jenner, Britain's *charge d'affairs,* is instructed to address a note to the Argentine Government stating that; *"... that Her Majesty's Government declined to enter into any discussion of the right of Her Majesty to the Falkland Islands which, in their judgement, was not open to doubt or question."* [3902]

In London, on the same day, Argentina's Minister expresses the hope; *"... that Her Majesty's Government would reopen the discussion on the Falklands."*

> *"The Argentine Government maintains its protest with respect to the illegitimate occupation of the Malvinas Islands; it does not abandon, and never will abandon, its rights to these territories; and at all times, until justice is done, it will regard them as forming an integral part of the Argentine dominion, founded on priority of discovery, on priority of occupation, on possession initiated and exercised, on tacit and explicit recognition, and on acquisition by treaty of those titles which belonged to Spain."* [3903]

April 19th, at Stanley, Fr. Patrick Diamond and Mgr. Jose Fagnano, of the Salesian Fathers, arrive to administer to the Catholic population.

"Fr. Diamond was able to continue on the work which was carried out by Fr. Foran. Fr. Diamond built the parish priest house and directed the children's school. He also baptized sub conditione over twenty-five Protestant adults." [3904]

3899 Britain's *charge d'affairs* at the UN, Philip Parham, to the Secretary-General August 2, 2010 in *UN Document A/64/887*

3900 Pascoe 2020 p.253. For a full account, see 1849. Palmerston had been sarcastic in 1849. A rather British trait.

3901 *Falklands Sovereignty: Falkland Islands (Malvinas) sovereignty dispute in the perspective of international law* Gabriel Sobolewski Prola 2021

3902 Field 1928 para.173

3903 *The South American Journal* April 14, 1888, quoted in the *Scottish Geographical Magazine* 1888 v.4 issue 5. Which Spanish-Argentine treaty is not stated, but is either that of 1859 which did not include the separated Province of Buenos Aires, or the final treaty whereby Spain recognised Argentina (including Buenos Aires) in 1863.

3904 Murray 2005

April 21st, in London, Lord Salisbury again confirms in writing to Argentina's Minister that the question of the Falkland Islands is 'closed'.

June 12th, in Buenos Aires, Minister Costa writes to Britain's *charge d'affairs* Jenner.

> "*... the Republic does not consider that its sovereignty is compromised ... by the silence that the British Government keeps with regard to the proposals to submit the matter to arbitration made by the Argentine Government, ...*" [3905]

June 14th, Jenner reports Quirno Costa's response to the Government in London.

"And there the matter rested. Britain did not reply; Argentina never again made a formal protest to the British government on the question of the Falklands, .." [3906]

In Argentina, another chart of the *Gobernacion de la Tierra del Fuego y Las Islas Malvinas* is published (right).

In Buenos Aires, Dr. Francisco Latzina, National Director of the Argentine Statistics Institute, publishes a book - *Geografia de la Republica Argentina*.

The Argentine Geographical Institute awards the book its 'Bernadino Rivadavia Grand Prize'. [3907]

The statistical *Blue Book* for the Falkland Islands notes an excess in revenue of 236∫ 10s 4d, and "*No aid received from Imperial funds.*" It is noted that there were 75 births and eleven marriages during 1888. Twenty-eight deaths were registered. The total population is estimated at 1,890. [3908]

> "*The latter end of August we had an epidemic of measles, which spread rapidly and increased in severity until it assumed an alarming character, nearly every house in the Settlement being visited by the malady. It steadily continued its course, taxing my exertions to the uttermost,, until nearly every child and a large number of adults had suffered from its effects. It was not until late in the month of October when it showed visible signs of abatement. I may add that this disease was not endemic, and certainly was imported into the Settlement. Since the decline of measles the Settlement is in a tolerably healthy state, very few diseases of a preventable nature existing.*" [3909]

3905 Acknowledged by Jenner on the 14th, without comment.

3906 Pascoe 2022 vol.3 p.161.

3907 750 pages long, the Falkland Islands received only two references. The first claimed that, in 1771, Spain implicitly recognised the right of England to the Falklands. The second that Capt. Pinedo, in 1832, claimed the Islands for Argentina. The Committee awarding the prize, consisted of Estanislao Zeballos (Chair), Bartolome Mitre, Julio Argentina Roca, Domingo Faustino Sarmiento, Guillermo Rawson and Lucio V. Mansilla.

3908 Published March, 1989. See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf

3909 Report of the Colonial Surgeon, S. Hamilton.

1889 – February 7th, at Stanley, Andrew Edward Baillon is recognised as Consul for Denmark. [3910] Also as Consul for Norway and Sweden.

February 16th, from Port Stanley, US Consul Henry Lasar writes to Washington DC requesting a transfer to a more moderate climate.

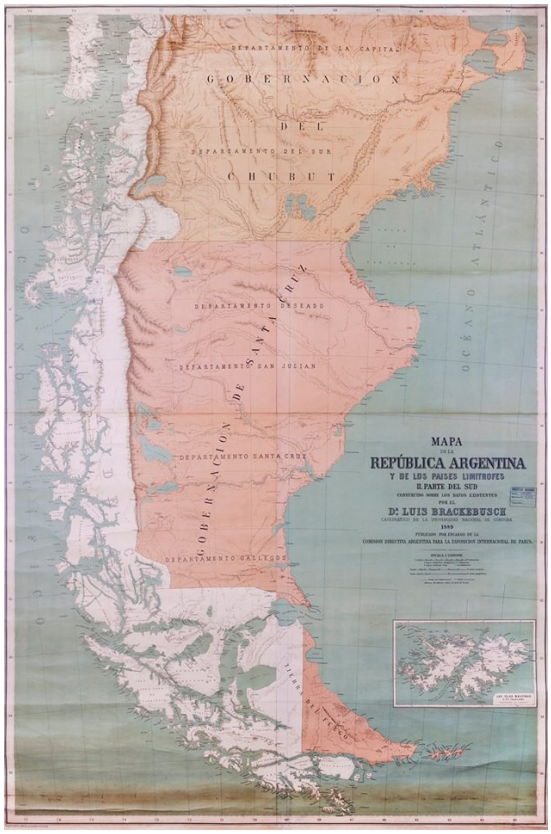
"He said that since whaling and sealing in the islands had been forbidden for years, the whaling and sealing ships had ceased to call at Stanley." [3911]

March 9th, at Stanley, an ordinance is passed, '*To regulate the Attendance of Children at School*'.

Queen Victoria donates £30 towards Bishop Stirling's church fund. [3912]

In **May**, Lowther Brandon founds the monthly *Falkland Islands Magazine*.

May 6th, in Paris, France, the *Exposition Universelle* opens. Prepared for the exhibition is an official map (right) - *Map of the Argentine Republic and the bordering countries: Part II of the South, built on the existing data by Dr. Luis Brackebusch, professor at the National University of Cordoba, 1889, published on behalf of the Argentine Directive Commission for the Exhibition International of Paris.*



In a box is depicted the Falklands archipelago, uncoloured as is Chile (the only other country shown) Attached are the words; *Islas Malvinas o de Falkland, (Cuestionadas por Inglaterra).* [3913]

May 22nd, Britain and Argentina sign an extradition Treaty. [3914]

> *"Art. 1 The High Contracting Parties engage to deliver up to each other, under certain circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other party."*

"It is signed on May 22 and enters into force on December 25, 1893. Although it speaks of British colonies, it does not say a word about the Falklands. A protocol of December 12, 1890, neither." [3915]

In Patagonia, a second Welsh colony is founded in the foothills of the Andes, Cwm Hyfryd. [3916]

In Stanley, a private Catholic School opens. [3917]

3910 Consulate noted as defunct 1896
3911 Pascoe 2022 vol.3 p.184
3912 *The Queenslander* March 30, 1889
3913 *"Questioned by England."*
3914 *Treaty Between Great Britain and the Argentine Republic for the Mutual Extradition of Fugitive Criminals 1889.* A further extradition treaty would be signed in 1893. On neither occasion did Argentina make any reservation or protest.
3915 Aramburu 2014
3916 Bethell 1989
3917 The statistical *Blue Book* for the year noted that instruction in the Government school was entirely secular.

October 2nd, in Washington DC, the *First International Conference of American States* opens at the Wallach Mansion with representatives from 17 Latin American states. [3918]

"The purpose of these quinquennial conferences was laid down by the United States in 1889, when the first meeting was held in Washington "to preserve the peace and promote the prosperity of the American States".”[3919]

November 12th, at Stanley, Thomas M. Rowell is appointed as Vice-Consul for the USA.

November 16th, at the Washington conference, Argentina demands that the USA protests Britain's occupation of the Falkland Islands. [3920]

The Falkland Islands statistical *Blue Book*, notes that revenue was down during the year 1889 although, once again, there has been no call upon Imperial funds and there is no public debt. During the year there have been 60 births, 16 marriages and 22 deaths among the population. [3921]

> *“Criminal Statistics: There was no case for hearing in the Supreme Court either on the civil or criminal side during 1889. The court has been practically closed since 1887. 31 persons were summarily convicted by the Police Magistrate during the year. Of these eight were refractory seamen for offences under the Merchant Shipping Acts, one for assault, one for smuggling cigars, two for breaches of the licensing law, two for creating disturbance, two for abusive language, and 15 for drunkenness. These were all punished by fines except the refractory seamen, who were imprisoned for a short period. The gaol was only occupied for one week during the year.”* [3922]
>
> “*The condition of the Colony was in every respect prosperous during the year 1889. The value of the exports exceeded that of any previous record by upwards of 7,000ƒ, being 116,102ƒ. The highest previous record was that of the year 1886, which was 108,946ƒ, an exceptional year, in which the exports were increased to the amount of 15,070ƒ, by the exportation of frozen mutton, an enterprise which also added 13,882ƒ to the exports of 188ƒ, and then collapsed, from injudicious management. The value of the wool exported in 1889 was 100,540ƒ, or 23,266ƒ. more than the average of the five years immediately preceding. An agreement was entered into during the year between a number of the sheep farmers and a mercantile house in London for the revival of the export of frozen mutton, which will come into operation in 1890, with every prospect of a successful issue. … On the whole the prosperity of the Colony, if tested by the value of its exports, in comparison with the number of its inhabitants is, I believe, unequalled in any of Her Majesty's possessions, as it represents a sum of 60ƒ, per capitum in produce, unaided by manufacture. …”* [3923]

3918 Also known as the Pan-American Conference. Compulsory arbitration to resolve regional conflicts was one of the main topics; but the result was inconclusive following Argentina's opposition.
3919 *Time Magazine* March 24, 1923
3920 *The Sydney Morning Herald* November 16, 1889.
3921 Published May, 1890. See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf
3922 *Ibid.*
3923 *Ibid*. Report of Governor Kerr

1890 – February 13th, in Britain's House of Commons, the MP for Donegal, John MacNeill argues for colonial self-rule.

> *"I would urge upon the Colonial Office the desirability of extending the principle of self government still further amongst the colonies… In the Colony of the Falkland Islands self government would be a blessing to it, and a benefit to ourselves. …*
>
> *The colony now comprises 1,583 villagers. I have received from some of the colonists piteous complaints of the petty despotism from which they are suffering. They have no power of helping themselves, no representative Government, and the Council of the Governor can simply do anything they choose. This state of things should not exist in an ordinary Crown Colony, much less in a colony composed of our own kith and kin, …"*

March 6th, in Stanley, the foundation stone of Christ Church Cathedral is laid by Bishop Stirling and Governor Kerr. The Cathedral is to utilize the stones of the demolished Holy Trinity Church and cornered with red brick.[3924]

April 1st, the Falkland Islands Government Savings Bank opens for business.

April 19th, the Conference in Washington DC closes; its final act being to establish the International Union of American Republics. [3925]

May 4th, in the Falklands, *Foam* is wrecked at Carcass Reef. [3926]

The *Falkland Islands Magazine* is produced for the first time.

"It was destined to become the islands' hitherto longest-lasting publication, apart from the Falkland Islands Gazette, which has appeared several times every year since 1 January 1891 but contains mainly official announcements. The Falkland Islands Magazine appeared for 41 years from 1889 to 1930, with a temporary revival in 1932-3 after a two-year break. It showed that the islands had come of age, in that there was now a regular forum in which islanders could air their opinions and read local and international news." [3927]

August 10th, between Burnt Island and Elephant Island, *St. Mary*, out of Maine, is wrecked.

> *"… she struck the reef opposite Kelp Lagoon, where she lies a shattered wreck. The crew landed at Fitzroy (Captain Packe's). The Master remained on board the vessel. On the 12th he was found lying dead in his berth and at the Coroner's inquest held in Stanley on the 16th, the verdict returned by the jury was "Heart disease accelerated by worry and excitement."…"* [3928]

Argentina, suffering a recession, defaults on its loans precipitating what becomes known as the *Baring Crisis*. [3929]

3924 The Holy Trinity Church had been severely damaged in the peat slip of 1886, resulting in it being demolished. Bishop Stirling raised £3000 in the UK towards a replacement Cathedral with a similar amount being raised in the Islands. Queen Victoria donated £30. See 1892

3925 None of the countries represented at the Conference went on to ratify any of the agreements.

3926 *The Sydney Morning Herald* August 1890. *Foam* had carried mail between the archipelago and Montevideo from 1863 until 1873 when she was retired and sold to Andrez Pitaluga.

3927 Pascoe 2020 p.255

3928 *The Falkland Islands Magazine* September, 1890. Some reports suggest its master, Jesse T. Carver, committed suicide.

3929 Barings Bank was over extended in South America generally, and in Argentina in particular. Facing bankruptcy, Barings was bailed out by a consortium which guaranteed its debts. Not directly connected to the loan of 1824, for which a settlement had been reached in 1857.

"Despite official intentions to avoid default, the burden of the debt service was unsupportable. Annual interest on the debt amounted to 40 percent of 1890 fiscal revenue. In the short run default could not be averted, and the only hope was to achieve a dignified resolution via a debt rescheduling agreement with the foreign creditors. In November the government sent a mission to London to arrange a moratorium with Barings. The timing of this mission was hardly auspicious, since the Bank of England had only just intervened to save the merchant house from Argentina's earlier and ongoing default. Nonetheless, the Bank of England and the Argentine government concluded an agreement to overcome the crisis and, by January 1891, a new loan was advanced to Argentina to enable it to repay the annual installments of interest on the external bonds." [3930]

In **November**, at Stanley, John James Felton is appointed as acting-Consul for Norway and Sweden.

In **December**, the Legislative Council passes a controversial ordinance which permits the sale of Crown Land to the Falkland Islands Company at 3s per acre, instead of the 4s determined by an earlier ordinance. The price is not reduced for other purchasers. [3931]

"*By the Land Ordinance of 1882 the rent reserved in every lease to be granted under that Ordinance, and as leases fell in and were renewed, was raised to 20∫, a section. After the passing of this Ordinance several lessees applied tentatively to be permitted to purchase their holdings at a price which, when capitalized, would give the same amount of revenue as the 20∫, rent, or as nearly as possible, supposing 2½ per cent, interest to be obtained, viz., 3s. an acre. The first direct application, however, came from the Falkland Island Company, on the 9th September 1890, and was submitted to the Secretary of State for the Colonies.. The Company desired to purchase 97,128 acres which they held on lease at 3s. an acre, the purchase money to be paid within 10 years. This offer was accepted. It became necessary, therefore, to pass an Ordinance authorising the sale of lands at a lower rate than that fixed by the Ordinance of 1871 on condition that lands held by lessees should be purchased "en bloc", thus preventing selection."* [3932]

The statistical *Blue Book* for the Falkland Islands colony notes that the population is estimated at 1, 973. Seventy-five births have been registered during 1890, and 28 deaths – swollen by an epidemic of whooping cough and influenza. [3933]

> *"The winter of 1890 was fair throughout, little snow fell and the frosts were not severe. The summer was very wet, with the beneficial result of abundance of pasturage and good garden crops. On the sheep farms the lambing was above the average, and the clip of wool exceptionally heavy. The Falkland Islands wool of 1889 realised, it is understood, from 6d, to 10d, per lb. all round. It is too early yet to say what the 1890 wool has fetched, as all of it has not yet been shipped. The artisan and labouring classes in this Colony have much to congratulate themselves upon. A carpenter's wage averages 1s, an hour, and when engaged on the repairs of ships 2s, an hour or 16s, 8d. a day. Stonemasons receive 8s. 4d. to 12s. 6d. a day, and an ordinary labourer 6s. a day. Actual necessaries of life are very cheap. Beef is 3d. per lb., and mutton 2½d. per lb., bread is 3d. per lb. Peat, the usual firing and cooking material, costs only the labour of cutting and carting. In the absence of competition, however, such articles as clothing, tea, and butter are much higher than in England. There are no taxes worth mentioning. It would seem that there is room for many more artisans in the colony. A few more blacksmiths and tinsmiths, carpenters and joiners, masons, boot-makers, and tailors would restore the balance between labour and capital, now greatly in favour of the former."* [3934]

3930 *A monetary and financial wreck: The Barings Crisis 1890-1891* Gerado della Paolera & Alan M. Taylor 2001
3931 Ellerby 1990 p.35
3932 *Blue Book* 1890 published June 1891
3933 See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf
3934 *Ibid*.

1891 – January 1st, at Port Stanley, the first Falkland Islands official *Gazette* is published.

> *"In consequence of the destruction of the Government Official Gazette Board on which it has been customary to publish both official and private Notices, His Excellency the Governor has been pleased to authorize the issue of a Government Gazette by authority."*

Also a formal, internal, postal service is established.

Near the Cathedral building site, a Free Church Tabernacle is fabricated from a kit sent from the UK. [3935]

In **March**, Andrew Edward Baillon is provisionally appointed Consul for Chile. [3936] Also provisionally recognised as Consul for both Germany and Italy.

April 5th, a population census identifies 1,789 people present on the Islands.

Sealing 'districts' are established at the Falkland Islands to facilitate licensing and conservation. [3937]

In Argentina, Julius Popper, a Romanian-born Argentine engineer, adventurer and explorer, publishes a map of Tierra del Fuego that refers to the sea lying to the east of Patagonia as the Mar Argentino (Argentine Sea); *"... the epicontinental sea that extends from the estuary of the Río de la Plata to the north to the island of the States to the south, and from the Argentine continental coast to the 200-meter isobath, including the Malvinas Islands and part of the bank Burdwood or Namuncurá..."* [3938]

April 14th, in Stanley, Governor Goldsworthy is sworn in. [3939]

June 6th, a Chilean ship, *Maipu*, arrives in Stanley harbour carrying 200 armed soldiers.

"... Her Officers and all on board were most reticent as to the reason of her putting into Stanley and her future movements; in fact their statements were so contradictory that they could not but be regarded with suspicion. His Excellency the Governor very kindly sanctioned their being supplied with a limited quantity of coal and water..." [3940]

June 11th, *Maipu* departs and is seen to rendevous with another ship. They both sail away to the south-west. [3941]

In Buenos Aires, Francisco Latzina, Director of the Argentine National Statistical Bureau, publishes – *Diccionario Geográfico Argentino; "... in which he listed all the geographical places in Argentina, "with the names of all the rivers, streams, lakes, mountain ranges, valleys, plateaus, capes, bays, gulfs, islands, etc." But his list does not include the Falkland Islands, neither under "Isla", "Islas" nor "Malvinas" (nor under "Falkland")."* [3942]

West window of the new Cathedral , a peal of five bells, and the four faced clock are donated by the Dean family.

November 2nd, Andrew Edward Baillon is confirmed as Consul for Italy

The annual statistical *Blue Book* notes 43 births during 1891, and 24 deaths.

3935 The prefabricated building cost £700 and opened March 2, 1891

3936 See November 17, 1892 below

3937 Dickinson 2007 p.82. Five areas were identified; subsequently reduced to three in 1895

3938 *La Soberania Alimentaria en el Mar Argentino* Fernando Glenza 2015. I am unable to confirm this. The only map I can find attributed to Popper clearly marks the eastern seaboard of Tierra del Fuego as *Océano Atlántico*.

3939 *The London Gazette No.26131 February 3, 1891*. For a biography, see - https://www.falklandsbiographies.org/biographies/goldsworthy_sir

3940 *Falkland Islands Magazine* June 1891 vol.3 no.2

3941 The officers of *Maipu* had offered no threat to the islands, but the incident was sufficient to spur the Governor towards the organisation of a local defence force. See below.

3942 Pascoe 2020 p.256

1892 – February 2nd, the Governor of the Falkland Islands is informed; *"... that the Senior Naval Officer on the S. E. coast of America had been instructed to afford such protection to the seal fisheries at the Falkland Islands as is compatible with the other duties of the station."* [3943]

February 21st, in Stanley, Christ Church Cathedral is consecrated by Bishop Stirling. [3944]

February 25th, in London, *Letters Patent* are issued by the British Government regarding the; *"Settlements in the Falkland Islands and their Dependencies"* designating them a Crown Colony. [3945]

> *"The year 1892 will be a historical one for the Falkland Islands; on the 25th day of February what had formerly been known as a settlement received at the hands of Her Majesty, by Letters Patent dated 25th February 1892, the dignity of becoming a Colony. The Proclamation took place in the Courthouse, and in accordance with the instructions received, his Excellency the Governor and other officials were sworn in to their respective offices under the new title."* [3946]

March 2nd, the *London Gazette* officially reports the change in status of the Falkland Islands. [3947]

> *"... the Queen has been pleased to direct Letters Patent to be passed under the Great Seal of the United Kingdom, erecting Her Majesty's Settlements in the Falkland Islands and their Dependencies into the Colony of the Falkland Islands, constituting the office of Governor and Commander in Chief, and providing for the Government thereof. The Queen has also been pleased to appoint Sir Roger Tuckfield Goldsworthy, KCMG (now Governor of the Settlements in the Falkland Islands) to be Governor and Commander in Chief of the Colony of the Falkland Islands and its Dependencies."* [3948]

Islanders' celebrate with a 17 gun salute.

March 4th, at Port Stanley, HMS *Beagle*, commanded by Captain Richard Penrose Humpage, anchors in the harbour. [3949]

March 10th, in the Falklands, *Viscount* is wrecked on Sea Lion Islands.

March 14th, in Britain's House of Commons, during a debate on the issue of deficiencies in the Royal Navy, Admiral Mayne speaks to MPs.

> *"I see no mention this year of the Falkland Islands, but I do hope the First Lord will take the advice of those who have been there frequently, before he attempts to make these islands the head quarters of the South Pacific. If he had been there as often as I have, and had spent three years in the Straits of*

3943 *FO 97/541.* This file does not contain any information as to what had caused such an instruction to be given.

3944 Albeit without the tower being completed. Stirling had arrived as the Superintendent for the Patagonian Missionary Society on Kepple Island in 1863; ordained at Westminster as Bishop in 1869. Stanley finally received City status in 2022. cf. 1863, 1865, 1887 & 1890

3945 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

3946 *Falkland Islands: Annual Report for 1892*. More generally known as the *Blue Book*.

3947 *The London Gazette No.26264*. The first colonial legislation providing for the government of the Falkland Islands had received Royal Assent on April 11, 1843 – *Act of the British Parliament to enable Her Majesty to Provide for the Government of Her Settlements on the coast of Africa and in the Falkland Islands (6 Vict.c.13 in The London Gazette No. 20213).* That enactment was followed by the appointment of Richard Clement Moody as the first Governor and Commander in Chief over the Falkland Islands (*The London Gazette No. 20236.*). However, that legislation had not employed the word colony; only referring to 'settlements'. Before 1843, the archipelago had been viewed as a *Possession of the Crown*; a status little changed after 1843. It is apparent, that the Falkland Islands did not become a formal British Colony until 1892.

3948 *London Evening Standard Saturday March 5, 1892*

3949 Headland 1992

Magellan, he would think no more of the proposal. Before you can get from the Falkland Islands to where commerce or civilisation is to be seen, you have to go over 2,000 miles. It cannot be thought of as a depôt for the South Pacific, and if we unfortunately make a depôt there, unless we keep a large garrison it will be an exceedingly fine place for the enemy to go and seize our coals. It would be much better to buy up one of the hundreds of islands in the Straits of Magellan, or some of the other islands about there, rather than go on making this depôt at the Falkland Islands, which would be utterly useless." [3950]

March 18th, in Parliament, the issue of the land monopoly held by the Falkland Islands Company is raised. It is argued that islanders are being denied an opportunity to purchase land at the same rate as the FIC.

"Baron H. De Worms: The hon. Member asked me — Whether the Secretary of State for the Colonies has received several Petitions and Memorials from the inhabitants of the Falkland Islands urging that as the leases of Crown lands for gracing purposes are now falling in, provision should be made that no individual or company should hold land exceeding a certain definite limit; whether he can inform the House of the circumstances under which an Ordinance was passed by the legislative Council on the 9th September, 1890, authorising the sale of certain lands; what was the constitution of the Council on that occasion; and whether, having regard to the fact that the present Governor, Sir R. Goldsworthy, possesses the confidence of the Colonists, the Secretary of State for the Colonies will grant the inquiry which has been so frequently demanded into the administration of the affairs of the Falkland Islands?

My reply was— The Secretary of State has received one Petition, but not several Petitions, from certain inhabitants of Stanley in the Falkland Islands, alleging that the holders of leases of Crown lands for grazing purposes are occupying more land than is comprised in their leases, some of which are falling in, but are subject to rights of renewal, and praying that such surplus land may be secured for the benefit of Colonists other than the existing lessees. The object of the Ordinance, which was passed on 2[...]th December, 1890, was to enable the Government to sell to the Falkland Island Company certain lands, of which they were lessees at the rate of 3s. per acre, instead of 4s. per acre, the rate fixed by a previous Ordinance as the selling price of country lands. The Council consisted of the Governor, the Colonial Secretary, the Colonial Surgeon, and two unofficial members, Messrs. Cobb and Felton. The statement of the hon. Member in the concluding portion of his question, that the Governor possesses the confidence of the Colonists, disposes of his suggestion that an inquiry into the administration of the Colony is necessary...

Mr. MacNeill: I would like to ask one question of very serious interest. The right hon. Gentleman knows perfectly well my opinion that these lands are sold to a monopolist Company at 3s. per acre, whereas they are sold at 4s. an acre to others. The right, hon. Gentleman knows that two-thirds of the Council are official members, and the gentleman who is not an official member is a member of this Falkland Islands Land Company, which enjoys a monopoly. ... I state, from information that has come to me, and from information in possession of the Colonial Office, that this monopolist Company has endeavoured to take the land from these people, and that the late Governor gave the monopolist Company this land. ... I have brought this matter before the House and have received no satisfaction. The people of those Islands are in great want and misery, they have an ample opportunity, if only permitted, of working out their land and of truly earning an honest livelihood." [3951]

3950 *HC Deb 14 March 1892 vol.2 cc778-98*
3951 *HC Deb 18 March 1892 vol.2 cc1249-92*

"It would appear that the increase in non-official Legislative Councillors resulted in greater influence for the vested interests in the Colony, rather than representation for the working class. For example, in 1892 the question of collusion between the Government and the landowners was raised in the House of Commons." [3952]

"(Goldsworthy's) time in the Falklands was dominated by the land issue - the contest between the two dozen major landowners who were reluctant to part with any of their acres and those, led by Goldsworthy, who hoped to see land made available to colonists who sought opportunities to better themselves. His predecessor Governor Kerr had sold land on generous terms to the leaseholders and when Goldsworthy attempted to impose a proper survey on the farms (whose extent was grossly underestimated in their leases) in the hope of releasing two million or so surplus acres, he met with stubborn resistance from the landowners, who collectively resigned their positions as Justices of the Peace. This was a challenge he could not overcome and he effectively backed down, leaving emigration to Patagonia as the only option for ambitious colonists." [3953]

April 5th, at Stanley, Governor Goldsworthy, assured of the availability of a Royal Naval vessel for the protection of the fisheries, recommends that further local regulations be approved. [3954]

> *"3. Except the Ordinance fixing a close season from 1st October to 1st April I cannot find any Ordinance or proclamation dealing with this important question here.*
>
> *4. It is true that since 1841, licences to kill seal have been granted (vide enclosure) but I cannot find any law by which the issue of such licences was justified. ...*
>
> *What I venture to recommend is immediate Legislation to protect the seals for such period as may in the opinion of those conversant with the subject, be necessary to enable the seals to recuperate as was done in the case of the Penguins which are now once more very numerous. ... if something is not done and that immediately, the seal fisheries of the Falklands will be a thing of the past, but I must add that any Legislation will be useless if the naval authorities only give the same perfunctory protection in the future as in the past."* [3955]

April 20th, in the Falklands, Andrew Edward Luis Baillion is reappointed Italian Consul. [3956]

May 7th, *Dennis Brundritt* is wrecked on Centre Island.

June 13th, at Stanley, thirty-seven recruits for the Falkland Islands Volunteers are sworn in by the Governor. [3957]

June 17th, at Stanley, Andrew Edward Baillon is appointed as Consul for Norway and Sweden.

July 2nd, in London, the Foreign Office writes to the Colonial Office with regard to the protection of the sealing grounds at the Falklands.

> *"If,.. the matter is one of urgency for the present year, Lord Salisbury would not wish to raise any objection to the Governor's proposals."* [3958]

3952 Ellerby 1990 p.35
3953 David Tatham in Tatham (ed) 2008
3954 *FO 97/541. cf.* 1855 & 1883
3955 *Ibid*
3956 *The London Gazette, No.26281*
3957 A consequence of the *Maipu* incident of 1891; Royal Marines Sergeant William Quianlan was sent out from the UK to assist in their training. Renamed in 1918 as the Falkland Islands Defence Force (FIDF), they are still going in 2025.
3958 *FO 97/541. cf.* 1855 & 1883

"The Foreign Office reminded the Colonial Office that when on former occasions legislation of this nature had been proposed attention had been drawn by the Foreign Office to the fact that the United States fishermen had for years enjoyed the privilege of fishing in the territorial waters of the Falkland Islands, and that the issue of regulations limiting or interfering with that right might give rise to protests from the United States Government. It was, however, considered that the attitude of the United States in regard to the seal fishery in the Northern Pacific (the Behring (sic) question) rendered such protests less likely at that moment, and that the contemplated legislation would not be inconsistent with the contention of Her Majesty's Government provided it was strictly confined to territorial waters." [3959]

A decision is made to await the result of the Bering Sea Arbitration. [3960]

In **August**, a Buenos Airean newspaper reports that *Messrs. Linck & Co.*, have applied for a right of fishery in Argentine waters between 40°S and 65°S; intending to erect a fishery station in the Falkland Islands.

"In 1892 the Argentine Government rejected an application by Messrs. Linck and Company for a fishing concession in the South Atlantic, with a fishing base in the Falklands and a twice yearly steamer service between Buenos Aires and Stanley, because it would have involved recognizing the status quo." [3961]

"Enquiry by Her Majesty's Minister at Buenos Aires elicited the fact that the fishery station was to be established on the South Shetlands and not on the Falklands. From the expose des motifs and the articles of the concession, which had been laid before the Argentine Chambers, it appeared that the firm desired to acquire fishing rights off the South Shetlands, South Orkneys, Graham (sic) and Sandwich Islands, all of which, it was contended, belonged, by their geographical position, to the Argentine Republic. The firm (Messrs. Linck & Co.) stated that these islands were regarded by the ships which visited them from time to time as territories belonging to no jurisdiction because no act of sovereignty had been performed there; and the firm urged that there were reasons of the greatest importance why the Argentine Government should take possession of them and execute acts of sovereignty and occupation therein." [3962]

September 22nd, Andrew E. Baillon is confirmed as Swedish and Norwegian Consul at Port Stanley. [3963]

November 17th, at Stanley, Baillon is reappointed Consul for Chile. [3964]

December 8th, the Dundee whaling expedition visits Port Stanley. The naturalist on-board *Balaena*, is William Speirs Bruce. [3965]

The annual statistical report for the Falkland Islands notes a population of 1,869 with 43 births and 18 deaths.[3966]

3959 Orchard 1928 *in FO 371/12736/324*
3960 Washington claimed exclusive jurisdiction over sealing in the Bering Sea and this dispute, with Britain, went to arbitration. The award, in 1893, was in Britain's favour. *cf.* 1855, 1883 & 1899
3961 Ellerby 1990 p.58 citing *Goldsworthy to Knutsford August 16, 1892* in *FO 6/503*
3962 Field 1928 para.261. No action was taken by Argentina, and no fishery station was founded by this company.
3963 *The London Gazette No.26328*
3964 Provisionally appointed in March, 1891
3965 See 1903.
3966 See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf

1893 – January 23rd, in Stanley, Baillon adds the Consulship of Germany to his list of appointments. [3967]

February 27th, *Balaena* returns to Port Stanley.

In **March**, in London, a search is made of records with regard to the sovereignty of those islands referred to by *Messrs. Linck & Co.*

"Investigations ... failed to reveal anything in our correspondence with the United States, Chile or the Argentine Republic to indicate that this country had ever asserted a claim of sovereignty over the South Shetland and South Orkney groups on the ground of priority of discovery. At this time Sir J. Bramston, then Assistant Under-Secretary of State for the Colonies, wrote to Sir T. Sanderson that a Mr. Leigh Smith had just returned from an exploring expedition in the Antarctic Ocean and had reported that the South Orkneys and South Shetlands abounded in seals and that the ships of the expedition had brought back 13,000 sealskins from those islands. Sir J. Bramston added that the Admiralty knew nothing about the islands except "that Ross was supposed to have taken possession of them for England" and he enquired whether, if this were true, England was prepared to assert her title by public notification, and if, on the other hand, they were no man's land, we were prepared to forestall other nations and take them. Sir T. Sanderson wrote on the docket of Sir J. Bramston's letter, "I should think it was quite undesirable to annex these islands."..." [3968]

June 17th, in the Falklands, *Argyllshire*, a British barque, is wrecked on Flat Jason. [3969]

At Stanley, legislation is introduced to place the establishment of the volunteer force on a legal footing; *"This force, raised by Governor Sir R. T. Goldsworthy in 1892, was organised and established by law during the year. The strength of the corps was 101 officers, non-commissioned officers, and men, and, with the assistance of a competent instructor, it has attained a high state of efficiency. The Imperial Government have furthered the movement by the free gift of ammunition, two nine-pounder R.M.L. guns, equipments and accoutrements. The corps is also supported by capitation grants by this Government in respect of efficients and by voluntary contributions, and has every prospect of success."*[3970]

In **December**, at Port Stanley, a Norwegian, Carl Anton Larsen, in *Jason,* deposits a cargo of seal oil. [3971]

> *"Although some depression of trade existed in Stanley, owing to the decrease in the number of vessels calling here for repairs and the absence of Her Majesty's ships of war in the Brazils during the late revolution, tho prosperity now diffused throughout the Islands continued."* [3972]

3967 *The London Gazette No.26367*

3968 Field 1928 paras. 262-264. The South Shetland Islands had been claimed for Britain in October, 1819 by Captain William Smith of the merchantman *Williams.* The South Orkney Islands were discovered in 1821 by the American Nathaniel Brown Palmer and an Englishman, George Powell; named by James Weddell in 1823. *cf.* 1819, 1821, 1823 & 1904

3969 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

3970 *Falkland Islands. Annual Report for 1893*. See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf

3971 *Exploring Polar Frontiers: A Historical Encyclopedia* William J. Mills 2003 vol.1. For a biography, see - https://www.falklandsbiographies.org/biographies/larsen_carl

3972 *Falkland Islands. Annual Report for 1893.* Link above.

1894 – March 13th, *Jason* (Larsen) returns to the Falklands, before sailing to meet with *Castor* and *Hertha*.

April 19th, at South Georgia, *Jason*, *Castor* and *Hertha* explore the coasts. [3973]

July 27th, at Port Stanley, John H. Miller is gazetted Consul for the USA. [3974]

August 25th, Andrew Baillon is reappointed Consul for Chile. [3975]

At the end of the year, the annual statistical *Blue Book* report notes that the Volunteer Rifle Corps consists of six officers and some 100 men. The population is recorded as 1,902.; "*Poverty in its European acceptation of the word is absolutely unknown. The poorest in the humblest walks of life need not, and as a fact never do, want for a sufficiency, while those in regular employment may be said to live in luxury compared with their English confreres. Climatic conditions are as conducive to health and to the absence of endemic or enteric disease as can be found anywhere in the world ... The wild cattle which abounded have been entirely cleared off the face of the country to make way for sheep. Wild geese at certain seasons remain to the fore and afford plentiful sport, but teal, duck, snipe, and other game have become scarcer every year.*"[3976]

1895 – in London, Carl Anton Larsen receives the *Grant Award* from the *Royal Geographical Society* for his exploration work in *Jason*.

In October, survey ship, HMS *Barracouta* visits the Falklands colony. A site for a firing range is identified.

December 17th, at Port William, *Glengowan* anchors with its cargo of anthracite coal and coke on fire. [3977]

The annual statistical returns note a population in the Falklands of 1,953 including 120 '*aliens and resident strangers*'. There have been 51 births and seven marriages; *"The acquisition by the Admiralty of a rifle range for the use of Her Majesty's ships was a step of some importance as affecting the future of the Colony. Apart from the tangible benefits arising from the presence of Her Majesty's ships, thus in a measure assured, it is no small matter that the possible utility of these islands for Imperial purposes has been recognised. The geographical position of the islands for naval purposes of coaling supply and rendezvous for both Atlantic and Pacific stations is unrivalled, while the many useful natural harbours offer an additional argument for utilising this, the only English soil south of Trinidad on the Atlantic, and Vancouver on the Pacific side of America, and which commands the trade round the Horn and through the Straits of Magellan."*[3978]

3973 Discovered 1675 by London merchant, Anthony de la Roché. Claimed by James Cook, for Britain, on January 17, 1775. Carl Anton Larsen would be the first to establish a whaling station on South Georgia. See Vol.3

3974 *The London Gazette No.26537*

3975 *The London Gazette No.26547*

3976 *Falkland Islands. Annual Report for 1894.* See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf

3977 After two days the vessel was driven on-shore in Whalebone Bay, but all efforts to extinguish the fire failed. Abandoned on the 21st. At a court of inquiry on January 27, 1896, the actions of the ship's master were criticised. *Report and Opinion of a Court of Inquiry, held at Stanley, East Falkland Island, on the 27th and 28th days of January 1896, under Ordinance No. 6 of 1894, ... to inquire into the loss by fire of the British ship "Glengowan" in the harbour of Stanley.* No. 16951 Board of Trade.

3978 See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf

1896 – in **February**, Carl Anton Larsen writes to the *Royal Geographical Society* in London.

"Larsen, whose previous Antarctic voyages had given him the idea of establishing a shore-based whaling operation in the southern ocean, wrote to the Royal Geographical Society in London in February 1896 and asked about leasing a site on South Georgia Island. He had gained fame after leading a Norwegian expedition to Antarctica in command of the Jason from 1892–4 when he discovered the Larsen Ice Shelf." [3979]

In **April**, Larsen writes to Governor Goldsworthy requesting permission to erect a whaling station on South Georgia. [3980]

"... he clearly regarded the island as British." [3981]

April 17th, Chile and Argentina reach an agreement.

> *"... should differences arise between their experts as to the boundary-line to be traced between the two States in conformity with the Treaty of 1881 and the Protocol of 1893, and in case such differences could not be amicably settled by accord between the two Governments, they should be submitted to the decision of the Government of Her Britannic Majesty;.."* [3982]

April 22nd, at Cape Horn, the crew of *Bankville*, severely damaged in a storm, are rescued by *Pass of Balmaha* and taken to Port Stanley. [3983]

May 14th, *City of Philadelphia* is wrecked on Billy Rock. Attempts to rescue the crew and passengers fail. [3984]

September 28th, at Port Stanley, a survey ship, HMS *Barracouta* returns for a three month stay.

December 11th, HMS *Retribution* arrives at Stanley

> *"... every day they land about 40 men with an officer in charge for rifle practice at Sappers Hill, ... and there, I hear, they and the Barracouta men before them, are quite altering one side of the hill, constructing ranges, &c., for practice... Indeed, the air is full of rumours of a varied nature: we hear there are going to be forts erected over at Navy Point..."* [3985]

December 25th, from Montevideo, HMS *Basilisk* arrives at the Falklands. [3986]

> *"As the Argentine Government will not allow the crews of our men-of-war ashore for rifle practice and drill, the vessels on the south-east coast of South America will in all probability spend annually about six of the summer months in Stanley. If Stanley is made a coaling station for the fleet on both sides of South America and connected to the outside world by telegraphic communication – both of which changes seem to loom in the near future, H.M. ships of war will likely be here more or less all the year round."* [3987]

3979 *The Fate of Louise: A Maine-built 'down-easter' at Grytviken Harbor, South Georgia Island* Charles Lagerbom 2012 in *The Mariner's Mirror* Volume 98, no.3 August 2012. Also Headland 1992 p.62

3980 *Pesca: A History of the Pioneer Modern Whaling Company in the Antarctic* Ian B. Hart 2001. *cf.* 1900 & 1904

3981 Pascoe 2020 p.270

3982 See June, 1971 & February, 1977. A strange choice if Argentina was in dispute with the UK.

3983 C*ourt of Inquiry held at Stanley, East Falkland Island, on the 2nd day of May, A.D. 1896, to inquire into the abandonment, when in a sinking condition, of the British Barque 'Bankville'.* No. 16916 Board of Trade

3984 Divers were subsequently employed in an attempt to identify the vessel; finding the body of a woman in the rigging. Criticised regarding the failed rescue, the Falkland Islands Company purchased a steam tug, *Samson*, it being better able to cope in heavy seas. *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

3985 *The Falkland Islands Magazine* January 1897 no.93 vol.8

3986 *Ibid*. Remained until January 2, 1897.

3987 *Ibid*.

1897 – January 31st, in the Falklands, *Pass of Balmah* is stranded on the William Islets; while its captain lies dunk. [3988]

In **February**, both HMS *Beagle* and HMS *Acorn* arrive off Stanley.

March 4th, HMS *Basilisk* returns to Stanley.

> *"It is many years since three men-of-war have been anchored together in the harbour at the same time."* [3989]

"A report in 1897 estimated the cost of providing coaling facilities, fixed defences and a 600 foot dry-dock to accommodate battleships at over £500,000. However, only a small stores depot and limited repair facilities were approved." [3990]

William Grey-Wilson is appointed Governor of the Falkland Islands. [3991]

In the USA, the Bureau of the American Republics officially lists the Falkland Islands as a British possession. Argentina's Minister, Martin Merou, protests to the US Department of State. [3992]

March 27th, in his last communication as Governor, Sir Roger Goldsworthy, complains about resistance to his ideas of smaller farms, which would allow more of the Islanders to benefit from the land.

> *"I can unhesitatingly affirm that a Governor can never hope to succeed in doing justice to the Colony where he finds himself handicapped on every side by the influence that the Falkland Islands Company can bring to bear – where they exercise a monopoly detrimental to the Colony's best interests and progress ..."* [3993]

In **April**, Governor Goldsworthy hands over to the Colonial Secretary and leaves the colony.

October 20th, at Stanley, the new Governor, William Grey-Wilson, arrives to be sworn in; *"According to the Colonial report for the year 1897, the inhabitants of the Falkland islands are to be envied. There is no public debt, there are no export duties. The only import charges levied are upon liquor and tobacco, and for months together the common gaol, which can only accommodate eleven prisoners at most, is untenanted... The people are patriotic, and have established a Volunteer corps, of whom we regret that only about fifty per cent are returned as efficient. Their equipment, however, appears inadequate, for, instead of Lee-Metfords, such as we serve out to Volunteers in England the Falkland Rifle Corps boasts only the Martini-Henry. ... In the Falkland islands, says the colonial report, there are no troublesome forests to clear away, no deep and dangerous rivers to be crossed, no dingoes to harass and destroy the stock, no prolonged droughts, and, above all, no rabbits to annoy the farmer ... In view of all these advantages it is somewhat depressing to learn that the colony, despite its solvent and prosperous condition, affords no inducement to capitalists desirous of opening up new industries nor to intending immigrants."* [3994]

3988 *Court of Inquiry held at Port Stanley, East Falkland Islands, on the 9th, 10th, 11th, and 12th days of February, A.D. 1897, ... to inquire into and report on the stranding of the British ship "Pass of Balmaha," on William Islets, in Port William, East Falkland, on the 31st day of January 1897.* No. 17202 Board of Trade. This vessels seems to have become a German raider operating under the name *Seeadler* during WWI

3989 *The Falkland Islands Magazine* March 1897 no.95 vol.8

3990 Ellerby 1990 p.52

3991 *The London Gazette No.26829.* For a biography, see - https://www.falklandsbiographies.org/biographies/grey-wilson_sir

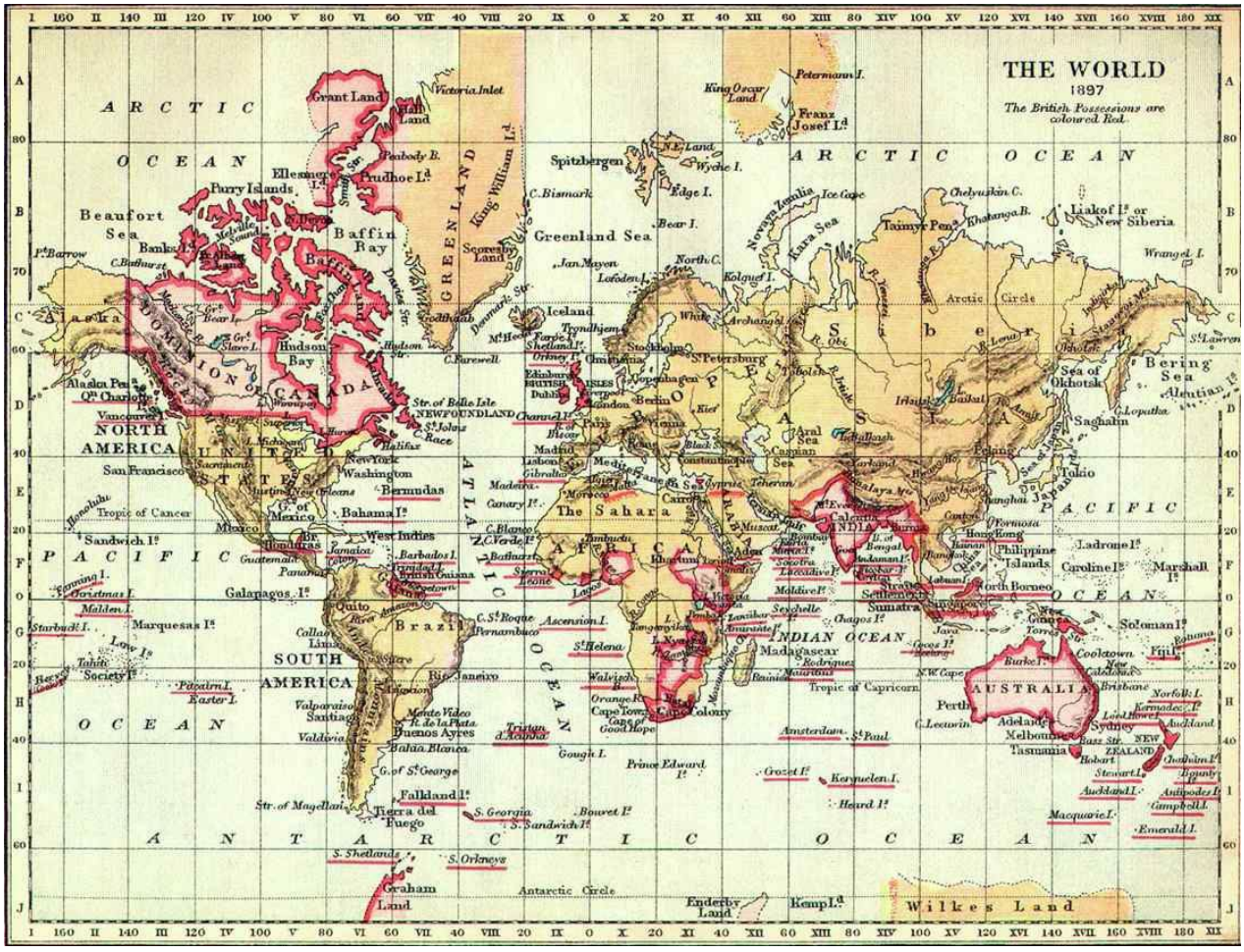
3992 Peterson 1964. The Bureau was not an agency of the US government.

3993 Dispatch *No.22 March 27 1897; Outward Letters Book B24; Falkland Islands Government Archive; 1897.*

3994 *The Falkland Islands Magazine November* 1898 no.7 vol.10

The Falkland Islands annual statistical report notes:

> *"The Colony does not possess either hospital or lunatic asylum, the need for either one or other not having yet presented itself. While cases of petty illness are inevitable, grave outbreaks of disease are happily extremely rare. Occasionally surgical cases arise through accident, and these arc treated in the houses of private individuals. Outbreaks of lunacy are so rare that the legislation providing for removal to England of any person found to be insane has proved sufficient to meet the requirements of the Colony."* [3995]



British Empire 1897

3995 See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf

1898 – the Government of Argentina offers a reward to anyone discovering coal on South Georgia. [3996]

In the Falkland Islands, *Ordinance No.3* creates a fire brigade.

July 19th, in Stanley, a new US Consul, John E. Rowen, arrives to replace John H. Miller. [3997]

> *"Gentlemen, my official duties here end with to-day, I take pleasure in introducing my successor, the Hon. John E. Rowen, United States Consul for this Port, whose credentials I shall present to your Governor this afternoon. A word to my successor. It may be your fault, Sir, should your sojourn here not prove even more pleasant than mine has been, because I am by no means a saint or Chesterfield, but I have had a good time, am leaving good friends and no enemies."* [3998]

September 19th, William and Edwin Rutter, Hector Allen and Albert Henrickson appear at the Police Court in Stanley charged with setting fire to grass "*to the public danger*." Cautioned that any future offence "*.. would be punished by a whipping.*" [3999]

December 23rd, at Port Stanley, HMS *Swallow* anchors in the harbour. [4000]

The Annual Report for 1898 notes; "*Practically the entire acreage of the Colony is sold or leased to some 36 farmers for pastoral purposes, the leased lands giving a total rental to the Crown of approximately £5,000 a year. The freehold of large tracts of land was disposed of by the Government in 1890 for 3s. per acre, and at an auction of land in 1895, 4s. and a fraction per acre was bid. A plot of ½ acre in the outskirts of Stanley was re-purchased by Government for £74. It is difficult to gauge the present value of land in the absence of business done. Holders, judging from the lack of offers to sell, are not desirous of relinquishing their land, the worth of which may be estimated from the value of produce exported. ... The local gaol has accommodation for seven prisoners at one time, allowing a separate cell for each. During the year six persons were committed for short terms, two for offences against the person, three for offences against property, and one for breach of Local Ordinances. Besides these, several men from Her Majesty's Ships were committed to gaol for breaches of naval discipline for varying periods up to 90 days.*" [4001]

> "*Sixty-four births, being at the rate of 36 per thousand, and 27 deaths, at the rate of 15*4 per thousand, of the population were recorded during the year. The abnormally high death-rate was caused by a boat accident wherein ten lives were lost. A house to house visitation revealed the exact population of the town of Stanley to be 789, composed of:—Men, 185; women, 233 : boys, 208 ; girls, 163. The remaining population of the Islands, 964, is scattered among the sheep farms throughout the camp in the East and West Island. Fourteen marriages were solemnized in the Colony during the year. Generally the state of public health is good. Epidemics or visitations of colds and coughs of a more or less severe type recur each winter but with few fatal results.*" [4002]

3996 Headland 1992 p.62. The Governor made some inquiries, but nothing seems to have come of this.
3997 Appointed April 30, 1898. *The London Gazette No.26966*
3998 *The Falkland Islands Magazine* August 1898 no.4 vol.10
3999 *The Falkland Islands Magazine* October 1898 no.6 vol.10
4000 Remained until January 15, 1899
4001 Blue Book statistical report for 1898. See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf
4002 *Ibid.*

1899 – January 13th, at Port Stanley, HMS *Flora* arrives from Montevideo.

January 18th, HMS *Basilisk* moors in Stanley harbour. [4003]

February 2nd, HMS *Beagle* arrives at the Falklands from Montevideo.

February 15th, Argentina's President, Julio Roca, and Chile's President, Federico Echaurren, meet to discuss outstanding border issues. They agree that unresolved disputed area would be passed to Britain for arbitration.

"It would have been contradictory to appoint a territorial arbitrator with whom Argentina had a territorial dispute, so Argentina's acceptance of Britain as an arbitrator over Argentina's territory indicated acceptance of Britain's possession of the Falklands." [4004]

March 8th, at Stanley, USS *Badger* arrives to collect the body of Rear Admiral Spotts who died aboard the USS *Brooklyn* in March, 1882 and was buried in Stanley Cemetery.

> *"The Falkland islands, belonging to Great Britain, form a group in the South Atlantic, consisting altogether of above 100 islands. ... population about 2000. ... The harbour is excellent"* [4005]

March 10th, at Stanley cemetery, Rear Admiral Spotts body is disinterred and identified by Colonial Surgeon, Dr. Hamilton.

> *"The body was in a lead coffin and was in an almost perfect state of preservation."* [4006]

> *"... the body of Rear Admiral Spotts was intact and could be recognised. His brown beard and moustache were trimmed when he died and he was bald headed. People would think he had only died a few days since instead of 17 years ago. ... He was dressed in full uniform..."* [4007]

March 11th, the body of Rear Admiral Spotts is formally handed over to the US authority.

> *"At 12.45 a funeral party was assembled... On shore the funeral party were joined by a body of seamen and marines; also a band from HMS Flora & Swallow; Officers from these ships, the Commodore Commanding the British Squadron, the Governor of the Falklands, the U.S. Consul and a body of the Falkland Islands volunteers."*[4008]

> *"The Captain, Officers and a large detachment of Marines and bluejackets landed from the Badger and were joined by Commodore C. J. Norecock R.N., and Captain Keary R. N., with Officers, Marines and Bluejackets from HMS Flora and Swallow. His Excellency the Governor and his Officers also joined the procession and the Volunteer Corps. As the procession marched through the Settlement from the Dockyard to the cemetery and back again, it presented an imposing appearance."* [4009]

March 12th, USS *Badger* sails. [4010]

March 30th, the Falklands Seal Fishing Ordinance 1881 is replaced with a new order requiring sealers to pay a £10 licence and royalties on the catch. The close season is retained.

4003 Remained until January 30, 1899. Returned again on March 16.
4004 Pascoe 2020 p.263
4005 USS *Badger* Logbook. See - https://www.genealogycenter.info/military/spanishamerican/viewpage_ussbadger.php?realpage=130&display=USS_Badger_048
4006 *The Falkland Islands Magazine* March, 1899 no.11 vol.10
4007 USS *Badger* Logbook
4008 *Ibid*.
4009 *The Falkland Islands Magazine* March, 1899 no.11 vol.10
4010 Leaving behind two deserters; one of who attempted to signal the ship as it departed.

"Ordinance No. 4 of 1881 was repealed by Ordinance No. 1 of 1899, which provided, subject to the saving of existing rights, for the issue of sealing licences, the licensee being required to render an accurate account of the number of seal taken by him during each sealing season, i.e., the period from the lst of April to the 30th of September, both inclusive, the remainder of the year constituting the close season. Sealing without a licence was prohibited." [4011]

"... no controversy with the United States Government seems to have arisen as a consequence." [4012]

In **May**, at the Falklands, the Admiralty commence the building of a small stores depot and repair facilities.

Argentina's President, Julio Argentino Roca, in his annual message to the Argentine Congress, announces that the border dispute with Chile in the south of the country, is being considered by Britain as arbitrator. [4013]

"... for Argentina to accept Britain as arbitrator over Argentina's territory was incompatible with maintaining a territorial dispute with Britain over the Falkland Islands." [4014]

In Buenos Aires, Francisco Latzina publishes the third edition of his popular *Diccionario Geografico Argentino* in which he lists all the geographic place names within Argentina. Referring to the Falkland Islands:

> *"The islands belong today to England, even though, **geographically speaking,** they are a dependency of Patagonia. They were seen for the first time by Sebald in 1599, and then by Strong in 1688, who gave them the name of Falkland Islands. The Malvinas remained uninhabited until 1764, at which time France occupied them. Bougainville took to these islands an expedition which he had formed in Saint-Malo, whence comes the name of Malvinas. Spain then claimed these islands and France returned them. The Argentine government, successor to that of Spain and heir to its rights, sent to these islands in 1820 a señor Vernet as governor, who was displaced from his position by England in 1833. The Malvinas offer ports for shelter and for supplies of provisions, coal and water."* [4015]

June 25th, in the Falklands, *John R. Kelly* is wrecked at Port William.

July 29th, following the first *Hague Peace Conference,* a *Permanent Court of Arbitration* is established by the *'Convention for the Pacific Settlement of International Disputes'*. Signed by a diverse range of nations including most of Europe, the UK, USA, Russia, China, India, Japan, Persia, and even Siam. The signatories; *"Resolved to promote by their best efforts the friendly settlement of international disputes."* [4016]

October 16th, Falkland Islands banknotes are introduced, pegged to sterling. [4017]

"The currency of the Colony is that of Great Britain, though gold is but little in circulation. The last importation of gold took place many years ago, and the old prejudice still prevails among the people against parting with any they may receive. They prefer to hoard it, and only at favourable periods dispose of it at a premium abroad, quite unmindful of the fact that the yield of interest on its deposit in the Savings Bank would offer an

---

4011 *Appendix XIV. Memorandum relative to Sealing in the Dependencies of the Falkland Islands* (undated) at the University of Tasmania ref: *AU AU ATADD 1-BB-GB-389*

4012 Orchard 1928. *cf.* 1854, 1883, 1892 & 1911

4013 Mabragaña 1910 vol.5 p.343

4014 Pascoe 2020 p.262

4015 *Diccionario Geográfico Argentino* Francisco Latzina 1899, 3rd ed. p.391. My emphasis. Inaccurate. *cf.* Vol.1 and 1820 & 1833 above.

4016 The USA and Mexico were the only American nations to sign the convention; which came into force on September 4, 1900. Argentina did sign a second convention in 1907.

4017 £1000 of £5 and £1 were issued on the first day.

equal, possibly a better, gain without the attendant risk of loss by treating it as treasure. The value of this metal being now put at the cost of renewing the stock of it has, in consequence, made it give place to silver. In the absence of bank paper money, this ordinary medium of exchange as a legal tender to an unlimited amount has been long felt to be cumbersome. To relieve it provision was made during the year for the issue of Government paper currency within the Colony, redeemable in specie on demand at the Treasury." [4018]

On West Falkland, a post office opens at Fox Bay.

At the end of the year, the annual statistical report notes 60 births and 27 deaths during 1899. Twelve marriages have been solemnized. [4019]

> "*There is one primary school, supported entirely by Government, with four instructors. The number of scholars on the rolls was 190, against 156 in 1898, with an average mixed attendance of 97. One school, that of the Roman Catholics, with 62 pupils on the rolls, and an average attendance of 48, received aid from Government during the year. Both these schools are situated in the town of Stanley, where there is also one unaided private school, with some 12 pupils. On the East Island one school is privately maintained at Darwin; it had some 26 boys and girls on its roll in 1899, and an attendance of 21. A travelling schoolmaster also assists in that district, where there were some 36 children on his books. The West Island is divided into two districts for Educational purposes; these are placed under the care of two travelling schoolmasters, employed and paid by Government, who visit each family in their districts for a few weeks at a time. There were some 60 children under instruction in this way during the greater part of the year. Though this plan of instruction was only conceived in 1896, the progress of work, both when the masters were present as well as between their visits, has been most marked and encouraging. The primary education, so far as it is extended, well fulfils the object which it endeavours to attain."* [4020]

◈◈◈

Bibliography

https://falklandstimeline.wordpress.com/bibliography/

Maps & Charts

https://falklandstimeline.wordpress.com/charts/

For the full research

https://falklandstimeline.wordpress.com/

https://independent.academia.edu/RogerLorton

4018 *Falkland Islands: Report for 1899*. Published April, 1900.
4019 *Ibid.* See - https://nationalarchives.gov.fk/jdownloads/Colonial Annual Reports/1887 to 1910.pdf
4020 *Ibid.*